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RECIPROCAL TRADE WITH THE BRITISH NORTH AMERICAN COLONIES.

[To accompany bill H. R. No. 360.]

February 11, 1853.

Mr. D. L. Seymour, from the Committee on Commerce, made the following

REPORT.

The Committee on Commerce, to whom were referred sundry memorials of American citizens, relative to reciprocal trade with the British North American colonies, report:

The importance of the trade of the United States with the British North American colonies, rapidly increasing with the extension of facilities of intercommunication, the repeated recommendations of this subject to the consideration of Congress by the President of the United States, the expressions of public opinion by resolutions and petitions from our northern frontier and leading commercial cities, and the liberal overtures of some of the colonial governments, urge upon Congress the necessity of establishing our commercial intercourse with the colonies upon a basis of a fair and liberal reciprocity, and upon principles congenial with the enlarged commercial spirit of the present age.

The committee propose, briefly, to review the past legislation and treaty stipulations relative to our commercial intercourse with the British North American colonies; to exhibit the present position and magnitude of this trade; to recommend measures to be adopted by Congress for the future arrangement of commerce with these colonies; and to discuss the effects which the proposed arrangements will have upon several leading interests of our country.

The committee do not deem it necessary for their purpose to enter into a full explanation of the complicated legislation which has taken place in respect to colonial trade. They desire simply to show how, in the course of years, notwithstanding frequent measures of retaliation, yet in consequence of alternate concessions, a most narrow and oppressive system has been enlarged into one of comparative freedom and liberality, alike beneficial to the colonies and the United States. In reviewing the commercial history of these colonies, which may be said to commence in 1783, the attention is first arrested by a measure of enlightened and far-seeing statesmanship, which remarkably contrasts with the subsequent policy of the British ministry.

In March, 1783, William Pitt, then Chancellor of the Exchequer, introduced in the House of Commons a bill for the regulation of trade

and intercourse between the people of Great Britain and of the United States, in which were embodied principles of public policy which may serve as precepts for legislation in our time. A portion of the bill is in the following words: "And whereas it is highly expedient that the intercourse between Great Britain and the United States should be established on the *most enlarged principles of reciprocal benefits to both countries*; but, from the distance between Great Britain and America, it must be a considerable time before any convention or treaty for establishing and regulating the trade and intercourse between Great Britain and the United States of America upon a permanent foundation can be concluded:" * * *

"Now, for the purpose of making a temporary regulation of the commerce and intercourse between Great Britain and said United States of America, and in order to evince a disposition of Great Britain to be on terms of the most perfect amity with the said United States of America, and in confidence of the like friendly disposition on the part of the said United States toward's Great Britain, be it further enacted, that from and after * * * * * the ships and vessels of the subjects and citizens of the said United States of America, with the merchandises and goods on board the same, shall be admitted into all the ports of Great Britain in the same manner as the ships and vessels of the subjects of other independent sovereign states," &c.

The regulation thus far applied only to the commercial intercourse between the United States and Great Britain. It was the same which, after a lapse of more than thirty years, was established by the convention of 1815, and is yet in force. The intercourse with the colonies was to be settled on principles equally liberal. The bill continues: "And be it further enacted, that, during the term aforesaid, the ships and vessels of the subjects and citizens of the United States shall be admitted into the ports of his Majesty's islands, colonies, or plantations in America, with any merchandises or goods of the growth, produce, or manufacture of the territories of the aforesaid United States, with liberty to export from his said Majesty's islands, colonies, or plantations in America, to the said territories of the said United States, any merchandises or goods whatsoever, and such merchandise and goods which shall be imported into or exported from said British islands, colonies, or plantations in America, shall be liable to the same duties and charges only as the same merchandise and goods would be subject to if they were the property of British natural-born subjects, and imported or exported in British-built ships or vessels, navigated by British seamen.

"And be it further enacted, that during all the time hereinbefore limited, there shall be the same drawbacks, exemptions, and bounties on merchandises and goods exported from Great Britain into the territories of said United States of America, as are allowed in the case of exportation to the islands, plantations, or colonies now remaining or belonging to the Crown of Great Britain in America."

It has been well said, that in the long and eventful life of William Pitt, and in the plenitude of his power, he never accomplished, nay, he never devised a measure more strongly marked with the stamp of liberal principle and of profound wisdom than the draught of this bill. Unfortunately for the welfare of the colonies, and both countries,

the resignation of Mr. Pitt with Lord Shelburn, who had concluded the peace, and the succession of the ministry formed by the coalition of Lord North and Charles J. Fox, undoubtedly prevented the system of friendly intercourse with America, which Mr. Pitt's bill was about to introduce, from being carried into effect. The whole regulation of the intercourse was committed to the discretion of the King's council.

On the 2d of July, 1783, an order was passed in council, restricting the trade between the United States and the British colonies to a very small number of articles, and interdicting the trade altogether, except in British ships. This order was continued by annual acts of Parliament and orders in council, till February, 1788, when the provision was established by a permanent statute, which took effect from the 2d of April of that year. From 1783 to 1815, continued efforts were made by the United States to arrange the colonial trade by treaty, but all our propositions were evaded or declined by Great Britain. In the mean time, as a measure of self-defence, in 1789, Congress levied a small discriminating duty of impost and tonnage on *foreign shipping* entering the ports of the United States, but discarded a proposition for the imposition of a discriminating duty specially bearing upon the British shipping. By the act of the 3d of March, 1815, Congress declared the principle upon which the commercial policy of the United States would be established, by enacting that all previous acts providing for discriminating duties should be repealed in favor of such nations as were prepared to exercise the same liberal policy towards this country.

By the convention of 1815, this principle was made applicable to the commerce between the United States and the British countries in Europe. By this convention Great Britain secured the abolition of our discriminating duties. But she expressly excluded from this arrangement the trade between the United States and the British colonies in America, and preserved for herself all the advantages of the circuitous or triangular voyage from Great Britain to the colonies, from the colonies to the United States, and from the United States to Great Britain. This arrangement proved so unfavorable to the shipping interests of the United States, that the government immediately insisted, and continued to insist, that the rule of reciprocity applied to one branch of the commercial intercourse should be made equally applicable to both. The twelve years succeeding the convention of 1815 were employed in endeavors to arrange the terms of the colonial trade with the United States by negotiation, or to secure them through the agency of separate legislative enactments.

"The government of the United States," says Mr. Clay in his letter to Mr. Vaughn of the 11th October, 1826, "has always been anxious that the trade between them and the British colonies should be placed upon a liberal and equitable basis. There has not been a moment since the adoption of the present constitution, when they were not willing to apply to it principles OF FAIR RECIPROCITY AND EQUAL COMPETITION. There has not been a time during the same period when they have understood the British government to be prepared to adopt that principle. The struggle on the side of Great Britain was to maintain her monopoly, and on that of the United States to secure an equal participation in the trade and intercourse between them and the British

colonies." Although the two governments more than once concurred in each other's views as to the conditions to which they would assent, their respective acts resulted in an almost entire suppression of the trade. An order in council, issued on the 27th day of July, 1826, directed that the trade and intercourse between the United States and the greater part of the British colonies should cease from and after a prescribed day, and on the 17th of March, 1827, the President of the United States, by proclamation, declared the trade between the United States and the British colonies to be prohibited. Nevertheless, the trade so necessary for the colonies and the United States had sought out for itself a sufficient though circuitous channel, notwithstanding the obstructions which illiberal legislation had placed in its course. Our produce was shipped in American vessels to the neutral West India islands, whence it was re-shipped by the British colonists to their own ports. A large trade was carried on in plaster, from Nova Scotia; the British vessels bringing it to the line in Passamaquoddy bay, from whence it was taken in American vessels. The total value of imports from the colonies to this country for the year ending September, 1827, was $445,118. The value of our total domestic and foreign exports to the colonies was $2,830,674. The year 1829 is an important epoch in the history of the colonial trade. The United States, in this year, gave an impulse to the cause of commercial freedom, by making the first movement towards the abandonment of the selfish and narrow policy which had prevailed for thirty years, and trusting to the effects of concession instead of retaliation. In 1829, Mr. McLane, then our minister at the Court of St. James, was instructed by President Jackson to open negotiations relative to the colonial trade. Mr. Van Buren, in his letter of instructions, declared the principles upon which the government opened these negotiations. He remarks: "The policy of the United States in relation to their commercial intercourse with other nations is founded *on principles of* PERFECT EQUALITY AND RECIPROCITY. By the adoption of these principles, they have endeavored to relieve themselves from the discussions, discontents, and embarrassments inseparable from the imposition of burdensome discriminations. These principles were avowed whilst they were yet struggling for their independence, are recorded in their first treaty, and have since been adhered to with the most scrupulous fidelity." The results of Mr. McLane's negotiations are contained in the proclamation issued by the President in November, 1830, and the order in council issued November 6, 1830. Our ports of entry, and subsequently ports of delivery, were open to British and colonial vessels. The immediate effect of this arrangement was the rapid increase of colonial ships in American ports, and their competition, in our most important carrying trade, with American vessels. The necessary evils which followed from this arrangement were the subject of much complaint on the part of American ship-owners. They complained that while all our ports were open to British and colonial ships, only a limited number of ports in the colonies were open to American shipping; that while colonial produce was admitted into our ports on the same terms as that of the most favored nations, a much heavier duty was imposed upon American produce and manufactures than upon those of Great Britain; and they especially

complained that all the benefits of the circuitous voyage were secured alone to the shipping of Great Britain, under the system which at this time prevailed. A ship might be laden in Liverpool with goods for St. John, in New Brunswick, and thence take a cargo of lumber to the West Indies, or to one of our southern ports. The two operations furnished a sufficient profit for the voyage, and the ship could afford to return in ballast. Under these circumstances, the British ship could take a freight of cotton from New Orleans on the lowest terms, since it would defray the expenses of the voyage and leave a fair profit. The American ships, deprived of the benefits of the circuitous voyage, were dependent wholly on the freight of cotton alone for the income of their voyages, and were thus subjected to a ruinous competition. The effects of the new arrangement were undoubtedly at first injurious to our shipping interests; but temporary and partial evils must always follow from a change in a commercial system. Time and an extended view of all the interests affected by such a change, can alone determine its advantages. One result, certainly, of the arrangement, was a rapid increase of the trade between the United States and the colonies. Our agricultural and manufacturing interests were benefited by an increased consumption of their wares and produce. The colonists were led to perceive that they would be benefited by more intimate relations with their enterprising and flourishing neighbors. The value of the exports to the colonies in 1840 was near three times that of the exports in 1827, under the old system. Our total domestic exports to the colonies, in 1840, were valued at $5,895,966. In 1843, Great Britain reciprocated the liberal policy of the United States. Before this time the colonies had imposed discriminating duties. British and colonial produce and manufactures were admitted at a lower rate of duty than foreign. In this year Lord Stanley (now Earl Derby) issued his celebrated despatch, in consequence of which all discriminating duties were abolished by the colonies. American and other foreign manufactures and produce, in consequence of that, are now admitted into all the British North American colonies on the same terms as British goods.

Thus one cause of complaint against the system which prevailed under the convention of 1830 was removed.

In consequence of gradual concessions, American vessels are now admitted to registry in British colonial ports, can sail from one colonial port to any other colonial port, in any other colony or to Great Britain, with colonial or other produce, and can enter all colonial ports, and load and discharge their cargoes wherever there is a custom-house officer; subject, however, to the restriction that they shall sail from one port to another, in the same colony, only in ballast. Thus a second cause of complaint has been removed.

The advantage of the threefold voyage is now enjoyed by our shipping, and during periods in the stagnation of the shipment of cotton some of our larger and more costly ships have made remunerating freights by the transportation of lumber from the colonies to Great Britain. Thus have all the objections to the arrangements of 1830 been removed, without obnoxious or retaliatory legislation on the part of the United States.

Previous to 1846 a high duty was imposed by Great Britain upon

timber and wheat imported from all countries except the colonies. The withdrawal of all protection by the home government upon colonial produce in 1846, by the substantial repeal of the corn laws, and the reduction of the duty upon foreign timber more than one-half, appears to have dispelled from the minds of the colonists all their old ideas of commercial dependence upon Great Britain. In consequence of the withdrawal of the protection which had been so long granted, colonial timber and wheat were brought in British markets into a losing competition with these articles from the Baltic and the Danube.

The extension of intercourse and the increase of trade, caused by the legislation of 1843, had shown the colonists the advantages of our markets, and the facilities we possessed of supplying all the necessaries of life which were not furnished by their own productions. They were now ready to propose to us an arrangement of commercial intercourse, founded upon those principles of perfect equality and reciprocity which the United States had always professed to be the policy of her commercial intercourse with foreign nations.

In 1848 a delegation was sent from Canada to arrange the terms of reciprocity between that government and ours. No arrangement, however, was made, in consequence of the failure of Congress to legislate upon the subject.

No further action has been had in relation to this trade by our government, although the provincial legislature of Canada, since 1848, passed a law providing for reciprocal trade in natural products, to be carried into effect upon the adoption of similar arrangements by our government.

This movement on the part of the colonial governments may be said to close the past history of the commercial intercourse of the United States with the British North American colonies.

The committee propose now to consider the present position of this trade, and to discuss the terms upon which a commercial intercourse, mutually favorable to the United States and the colonies, may be arranged.

The convention of 1830, and the subsequent legislation of the colonies, have settled most of the questions connected with the navigation interest.

The principal complaint on the part of the colonies is, that there is a want of reciprocity in the impost of duties. On the part of the United States there is a desire for the free navigation of the rivers St. Lawrence and St. John by American ships, and equal participation with British subjects in the coast fisheries.

The duty on our side, on colonial and other foreign goods, averages twenty-three and a half per cent. on the principal articles of importation.

The duty imposed upon our exports to Canada averages twelve and a half per cent. It does not differ materially, although it is somewhat lower, in the other colonies.

It would be a great error to regard this measure as one in which the colonies are exclusively interested, or to suppose that the action which the committee recommend is in response to their solicitations, although such overtures are entitled to most respectful consideration.

It was natural that this subject should at first excite more interest in the colonies, separated by three thousand miles of ocean from the mother country. Their proximity and ease of access to our great marts of commerce could not fail to create a strong desire to remove the barriers which denied them a joint participation in the trade of those commercial centres. The character of their surplus products, contiguous territory, unbroken chains of internal communication, social affinities, and a common language, all combined to strengthen this feeling. With us on our side the line, in the comparative calm which has succeeded the exciting events of the last few years, the public attention in various parts of the country has been aroused and again directed to this as one of the most important questions affecting American commerce.

It is believed that the population upon our northern and eastern frontiers, and in our great cities directly interested in the settlement of this question, greatly exceeds the whole population of the colonies. At the first session of the present Congress, petitions, urging the establishment of reciprocity in trade, were received from most of the large cities and towns of the northern frontier. The sentiment which exists in our great commercial cities may be known by the resolution adopted by the Board of Commerce of New York, which is as follows:

"*Resolved*, That the Chamber of Commerce of the city of New York recommend to the favorable consideration of Congress a reciprocal arrangement with the British North American provinces for the free interchange of the natural productions of their respective countries, embracing also a full and joint participation in the fisheries and the free navigation of the river St. Lawrence."

Able and elaborate articles in favor of reciprocity have lately appeared in many of the leading journals of the country, among which we may mention the "North American Review," "Hunt's Merchants' Magazine," and "De Bow's Southern and Western Review." These publications, made in different and distant quarters of the country, are not only indices of public opinion, but exhibit a careful examination of this subject by political economists and men of large practical experience. As a further indication of American sentiment, it may be mentioned that an arrangement of reciprocal trade with Canada, upon a much broader basis than is contemplated by the committee, was recommended by Mr. Walker, the Secretary of the Treasury under Mr. Polk's administration, and that a bill providing for reciprocal trade with Canada, but limited chiefly to leading articles of agricultural productions, passed the House of Representatives in the Thirtieth Congress, and failed to become a law, as is believed, only from want of time in the Senate.

A rapid glance at the resources of the colonies, their capacities for production and consumption, and the causes which already impel them to our markets, is necessary for a comprehension of the advantages which we shall derive from the proposed reciprocal free trade.

Mr. Andrews, in his admirable report to the Secretary of the Treasury, to which the committee are largely indebted for many of the facts and statistics embodied in this report, observes:

"The population of all the North American colonies * * * now

exceeds two millions of souls. As a people they are intelligent, industrious, and enterprising; and if permitted freely to exercise self-government, would soon assume an equality in commercial activity with the citizens of the United States and Great Britain, occupying a most extensive country, of an area of nearly five hundred thousand square miles, stretching from the forty-second to the fiftieth degree of north latitude, abounding in forests of the finest timber, and minerals of great value, and with a soil fitted to afford exhaustless supplies of food for man—a country, moreover, blessed with a healthful and invigorating climate, favored with unparalleled facilities for sea, river, and lake navigation, watered throughout by streams which furnish an unlimited amount of water-power, and are stocked with the most valuable description of fish; bordered by a seacoast indented with bays and admirable harbors, which are open to the most valuable sea fisheries in the world;—possessing such superabundant resources, and sustained and stimulated by an energy of character, which they have inherited with us from a common source, these colonists are destined to become a great and flourishing people, and to exercise no mean influence on the interests of our northern continent."

Looking at the several provinces in their relation to the United States, we find the principal exports of Canada to this country are timber, lumber, ashes, grain, animals, flour, and wool. The value of lumber received through the lakes is not less than a million of dollars annually. The markets on the Hudson derive from this source from one-third to one-half of their supply. The trade in Canadian agricultural productions, with the exception, perhaps, of wheat, flour, and lumber, is confined principally to localities near the frontiers, forming the basis of a convenient and profitable exchange. The total exports of Canada to the United States exceed six millions of dollars annually, and are wholly paid for by our productions and manufactures, and our imports of foreign goods re-exported to that province. Our present exports to Canada of foreign commodities, such as tea, coffee, wines, cigars, dried fruits, hides, and sugars, were formerly obtained by Canada through Great Britain, but since 1846 have, to a great extent, been procured through the American markets.

The exports of New Brunswick and Nova Scotia are chiefly lumber, coal, gypsum, and fish. They import in return from this country a large portion of their consumption of manufactured and foreign goods, and the principal part of their breadstuffs. In the article of flour they have been among the best customers of the United States. Newfoundland, although furnishing but few articles of export except fish, sealskins, and cod-oil, imports from the United States yearly over a million of dollars' worth of goods. The exports to the United States from that province do not amount to one-tenth part of that sum. The rapidity with which this trade with the United States has sprung up is illustrated by the fact, that in 1827 the trade of Newfoundland with this country was absolutely nothing.

Upon reviewing the statistics of our trade with all the colonies, we find that during the past twenty years it has greatly increased, and that already they occupy a position among the best customers of the United States. The total exports to the colonies for the year ending June 30,

1852, were valued at upwards of $10,000,000, exclusive of specie—near one-sixteenth part of our whole exports of goods; whereas the average value of our exports to the colonies for each of the years 1827, 1829, and 1830, was only $3,125,577. Thus, through the influence of the relaxations of former restrictions, which we have before adverted to, the trade has been nearly quadrupled in a period of twenty-two years. What we have gained has been won from our great commercial rival Great Britain. The total exports to the colonies from Great Britain in 1840, were $15,385,166; in 1849, $11,346,334. The colonists now consume our domestic exports at the rate of more than $2 64 for each individual of their population. The value of colonial products consumed by us is only twenty-three cents for each person of our population. It is estimated that the population of the colonies doubles every sixteen or seventeen years: at the end of that period, if the same rate of consumption is retained, we shall export annually more than seventeen millions in value to the colonies. But under a liberal commercial system with this country, the colonists will each year consume less of British and other foreign exports, and more of our own; so that we may safely predict that in sixteen years our domestic exports to the colonies will be from twenty-five to thirty millions, and greater than our present exports to any country in the world except Great Britain. The question to be determined is, whether the whole current of commercial intercourse now setting in our favor shall receive a fresh impulse in this direction, or whether it shall be checked, and perhaps wholly diverted from our shores.

Geographical position, and daily-increasing social sympathies, are strengthening the bonds of our commercial alliance. These colonies are the natural outlets of American productions, and of the overflowing returns of our extended commerce. Geographically separated from all other countries, they are commercially united to this country; separate and conflicting commercial systems, in the position of our continent, seem to be in violation of the physical adaptations of its surface for a commercial union of the people inhabiting it. The grand highways of oceans, bays, lakes, and rivers, which form our northern frontier, would seem to set at defiance the barriers raised against illegal traffic. Nature thus strengthens the common sentiment on both sides of the frontier.

It would seem to be almost a waste of words to urge the advantages to us of a reciprocal free trade with a people possessing so many common resources and affinities with ourselves; speaking, in the main, the same language; having the same necessities and social and domestic habits; and so situated that the natural products of the one, and the manufactures of the other, are alike necessary to both. The great example of the blessings of reciprocal free trade which we have in the freedom of intercourse between the separate sovereignties of our Union is alone sufficient to settle the question. To secure this broad basis of commercial reciprocity among the States was one of the prime objects attained by the adoption of our constitution. It is to this freedom of trade among their several sovereignties, more than to any other source, that the United States owe their unexampled commercial prosperity. All the commercial arguments which have been presented in favor of

the annexation of any State or Territory will apply to the connexion which reciprocal trade with the British North American provinces will effect, without any of the evils of political alliance. We might as well consent to suffer the largest State in the Union to be surrounded with a cordon of custom-houses, as refuse to break down the walls which separate us from nearly three millions of people.

Yet there are some who, having taken a partial view of this subject, are fearful of colonial competition, or who, timid and apprehensive of evil from any change in the existing order of things, are doubtful if any benefits will follow to this country from colonial reciprocity.

The committee, therefore, propose to discuss the effects which reciprocity, with its kindred measures, will have upon several of the leading interests of the country, to wit:

The trade of our great commercial cities.

The inland navigation and transit trade of the States bordering on British provinces.

The agricultural interests.

The manufacturing interests.

The interest of the lake trade and the Northwest, as connected with the free navigation of the river St. Lawrence.

The fisheries.

The revenue.

It is now well understood that the prosperity of our great commercial cities is intimately connected with the settlement and growing wealth of the remotest West.

The great prize for which they are all contending is the vast trade which is flowing eastwardly towards the sea, and discharging at various outlets. The trade of the remotest settlements is drawn to the few great centres of distribution by a force as powerful and sure as that of gravitation.

The same necessity applies to the colonial trade. The markets of our great cities afford to colonial merchants such advantages for buying and selling, that we have only to remove the present restrictions, and we shall enlarge the trade to nearly the whole extent of colonial means for paying for their purchases. Not only our own productions, but the returns of our transatlantic trade, which have been purchased with the produce of American labor, will flow through our great marts into the colonies. The reason for this is obvious, when we reflect upon the causes which have changed the course of trade from many of our smaller towns which formerly transacted a considerable importing business. It is well known that thirty or forty years since, most of our maritime towns—with good harbors—carried on a direct trade with Great Britain, France, Russia, and the West India islands. The merchants obtained their goods by orders, and were exposed to long delay before they were answered. They were obliged, therefore, to have heavy stocks, which remained a long time upon their hands, and were often unsaleable. These inconveniences led gradually to an abandonment of the importing business by the smaller towns. This whole business now centres in our few great commercial cities. The merchant now purchases in the great markets, which he visits himself. He there finds large assortments, and, selecting his goods, by inspection,

to suit his customers, in a few days has them for sale on his own shelves. He is enabled to do business on a small capital, for by this system he makes frequent purchases, and keeps on hand a small stock. He makes quick sales, with certain profits. These are the advantages which the colonial merchant needs. He also can purchase better by inspecting large assortments than by ordering his goods from England. Great facilities for communication are now open to him. He only needs facilities for selling his goods to make it for his interest to purchase almost wholly in our large cities. The Canadian merchant who sends his flour or lumber to New York, Boston, Philadelphia, or Baltimore, need not take in payment a bill on London to enable him to purchase in the British market with the proceeds of sales here. The natural course of trade is direct exchange; he will purchase where he sells. The Nova Scotian who carries wood and gypsum to Boston will not only barter his cargo for articles of American manufacture, but will often purchase there British goods, notwithstanding our higher duties. By the operation of this barter trade, it is said that the lower colonies are largely supplied with goods from the United States, notwithstanding similar goods imported from England can be furnished in the colonies at much lower prices.

The city of Boston will derive great advantages from the increased trade with the lower colonies. This trade is already of paramount importance to that city.

The total foreign tonnage entered at the port of Boston in 1852 was 1,955 vessels, whose tonnage in the aggregate amounted to 260,758 tons: of this, 1,649 vessels, with a tonnage in the aggregate of 159,294, were entered from the British North American colonies. Thus it will be seen that the clearances of provincial vessels represent a very large proportion of the revenue, labor, truckage, wharfage, and storage incident to the commerce of that city.

The completion of the Portsmouth and Concord railroad, and of the Atlantic and St. Lawrence railroad, will enable Portsmouth and Portland, the commercial capitals of New Hampshire and Maine, to share largely in the profits of this trade.

The city of New York will secure a large share of the trade of the rich country of Canada. Through this port large supplies of western flour have been carried to the lower colonies. The value of wheat and flour from Canada received at New York in bond, in 1850, exceeded a million and a half dollars. The value of the same articles exported by sea to the colonies was a little short of a million of dollars, ($957,943.) It cannot be long before direct lines of railroad communication will connect the cities of Philadelphia and Baltimore with the great lakes, and a portion of the Canada trade will thus seek these cities. In our great commercial cities there can be but one sentiment as to the benefits of reciprocity.

INLAND NAVIGATION AND TRANSIT TRADE.

Intimately connected with the prosperity of our commercial cities, is that of the lines of transportation through which the vast tide of wealth ebbs and flows between the cities and the interior. No less

than five broad channels have been opened for the transit of the products of Canada towards the seacoast—the Erie canal, the Champlain canal, the Ogdensburg and Boston, the Buffalo and Boston railroads, and the Erie and New York railroad. To these a sixth will soon be added—the Portland and Montreal railroad, the shortest route from Canada to the ocean—an enterprise for which reciprocal trade with the British provinces is almost indispensable, and aided by which, this road will advance the city of Portland into the first rank of our commercial cities. To these may be added, now in process of construction, the Sunbury and Erie railroad, in Pennsylvania, which, when completed, will unite with the Reading railroad, thus forming an unbroken line of railroad communication between Philadelphia and the city of Erie, on Lake Erie.

And when the Baltimore and Susquehanna railroad shall be extended to this line, the city of Baltimore will also be connected with Lake Erie at the same point. In this way, both Philadelphia and Baltimore will be enabled to share in the Canadian trade.

The total value of our exports and imports to and from Canada, for the year ending the 30th of June, 1852, was $11,307,029. The greater part of this trade passed inland through the United States, and a large portion of the merchandise which this value represents paid tribute to the canals, railroads, and steamboats of our interior. There can be but little doubt that reciprocity would soon double the revenue which our inland routes of transportation now derive from Canadian trade. This increased trade, together with the rapidly swelling stream from the Northwest, would overflow the present channels, and render practicable at least one project, which, in the grandness of its conception and future results, is second to few only of our great works of internal improvement. The committee refer to the project of uniting, by a ship canal, the waters of the St. Lawrence and the Hudson. It is evident that this work cannot be safely commenced until we shall secure the future enjoyment of the privileges of the Canadian canals on the St. Lawrence, nor until we shall be relieved from the apprehension that discriminating duties will be imposed by Canada upon American productions. These questions will be settled by the adoption of the proposed measure of reciprocity, and an increase of trade secured, which will demand the completion of this route.

It has been proposed to construct a canal, near Montreal, of sufficient size to float a vessel of three hundred tons, to unite the waters of the St. Lawrence with Lake Champlain, and to enlarge the Champlain canal, its entire length to the head of navigation on the Hudson, to the same size, so that vessels of the above-named dimensions, from any western lake port, can, without breaking cargo, discharge at the port of New York, or at any other port on the Atlantic coast, and thence load with merchandise for the West. By means of this ship canal, the coal of Pennsylvania will be borne to the inexhaustible iron mines on Lake Champlain, whose forest combustible is nearly consumed; and, by opening a direct communication with the western States, and the fertile region of Canada West, this canal will furnish a new market for the iron of northern New York. Much as the city of New York would gain by a direct ship communication with the great Mediterranean

seas of the Northwest, and particularly by obtaining cheap supplies of lumber from Canada, she would be compelled to share with Boston, Philadelphia, Baltimore, and other eastern cities, the advantages of this enterprise. While Philadelphia and Baltimore would be reached by water communication from Lake Champlain, the railroads from Boston, which reach this lake after crossing Vermont, must divert a considerable portion of the trade, and will gain from the completion of this canal a most important accession to their revenues.

AGRICULTURAL INTERESTS.

Apprehensions have been felt that the proposed measure of reciprocity will injuriously affect some of the leading branches of our agricultural interests.

It has been said that it will be an abandonment of almost the only protection which the farmers now receive, and particularly that the American wheat-grower, paying high taxes, will contend on unfavorable terms against the Canadian, who is taxed at a much lower rate. These objections appear to the committee to be wholly unfounded. The warmest advocates for protection defend it mainly upon the ground that our producers should be protected against the advantages which foreign competitors have in cheap labor and low rates of interest, and that we should be released from the fluctuations of foreign trade. It is obvious that the latter reason will not apply to a trade with our colonial neighbors, having all the firmness and stability, indeed partaking of all the attributes, of a home trade. There is no material difference in the prices of labor in districts similarly situated in the colonies and this country. We have, if anything, the advantage in cheap and abundant capital and a more dense population. When countries are similarly situated as to the supply of labor and capital, even those who consider free trade impracticable, acknowledge that protection against each other need have no place in their revenue laws. No protection is needed for commodities which, from the nature of the case, must be produced by different communities at nearly the same cost. In such a case competition may generally be left free, and success will follow superior sagacity and enterprise. Among these commodities political economists rank breadstuffs, and such agricultural products as demand an extensive surface of soil, "for the advantage of cheap land and new soils is balanced by the scarcity of labor and the cost of transportation, while the very state of things which renders agricultural labor abundant and transportation unexpensive, enhances in the same proportion the cost of land and the remuneration of the capitalist."

The current of prosperity which this measure will pour into our great cities, and through our works of internal improvement, will not be arrested until it is diffused through the agricultural districts upon which they depend. The articles of foreign luxury purchased by the colonists through the diversion of the trade to our great cities, will be first obtained by the sale of the products of our own agricultural labor. It will be hereafter shown that through this system the colonies will become the most important foreign consumers of our manufactures. When they purchase cotton goods and agricultural implements, they

purchase in another form agricultural products, which have constituted the chief cost of their production, either in the form of the raw material or the manufactured article, or of both. As the proposed measure contemplates the free introduction of Canadian wheat, the effect of reciprocity upon this important article of our own production demands particular consideration. It is obvious, that Canadian competition could not affect us injuriously if we did not raise a surplus of wheat for exportation; but having, as at present, a surplus for exportation, it must be remembered that we have already given the Canadians increased privileges for competing with us, in the sale of all our surplus products in the markets of the world, by opening the American canals, railroads and ports, for their exports, under the drawback law of 1846. The fact is, that in the principal markets Great Britain and the United States stand together upon equal terms. It is well known that the surplus of production thrown upon the markets of the world, establishes the price of all consumed. The prices at Mark Lane fix the prices of wheat both in the Canadian and American markets. It will be remembered that in 1847, when we exported so largely to Europe, the price of wheat and flour in New York rose and fell with the prices in London, as surely and constantly as mercury in a thermometer rises and falls with the changes of temperature.

In one important market the western wheat-growers, at present, have to compete with the Canadians upon disadvantageous terms.

The lower colonies, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, have been among the best customers of American breadstuffs. The market which they have afforded is equal to that of Brazil. Our exports of breadstuffs to these colonies in 1852, amounted to $1,659,285, and to Brazil $1,655,558. The value of our exports to these colonies for the year 1852 was nearly equal to the whole value imported from Canada.

The value of the imports in 1852 of breadstuffs from Canada was $1,677,530.

The value of breadstuffs exported to the lower colonies was, as above stated, $1,659,285. In those provinces there are revenue duties on American flour of from 25 to 75 cents per barrel. In the year 1850 a reciprocal free trade in natural products was established between Canada and three of these provinces. The effect has been that Canadian flour, being subjected to no duty, obtained the preference over our flour. The protection in favor of Canadian flour, when sent by the St. Lawrence to Halifax, St. John, and other ports, has already diverted a portion of the trade of these provinces from New York and Boston to Montreal and Quebec. The vessels which take flour carry back sugar, molasses, and other foreign commodities, which of late years have been purchased in New York, and which, but for commercial restrictions, might be more advantageously purchased in that and our other Atlantic cities.

While the farmers of the West would be benefited by the free introduction of wheat into the lower colonies, they would gain equally by the effect which the proposed arrangement would have in increasing the consumption and export of another of their most important staples. The principal food of the lumbermen and fishermen, next to

the agriculturists, the most numerous classes of laborers in Canada and the lower provinces, is pork. This staple can be produced in the western States, where Indian corn is cheap, at less cost than in any other part of the world.

The impetus which would be given by this measure to the fisheries of the St. Lawrence and the lumber trade of Canada would largely increase the consumption of this article. The value of the lumber trade of Canada in 1846 was estimated at $6,000,000. She must, therefore, already have a large army to support in her forests. The duty charged in Canada on pork swells the price of lumber sent to our eastern markets; so that, actually, the eastern consumer pays the greater part of the revenue collected there on this article, while, to a certain extent, its production in the provinces is encouraged by the continuance of the duty.

It is not improbable that some local and temporary inconveniences may follow from the free competition of provincial products. This is particularly true in respect to the coarser grains.

But to comprehend the effects of a great commercial measure like this, we must look beyond the lines of a town or country, and the temporary derangement incident to any change in the existing order of things.

It is a part of the present American system to invite the freest competition upon equal terms. The New York farmer does not fear the competition of the great West, although it is rapidly filling up by emigration; and by this means the surplus agricultural products, particularly of the States of Illinois, Indiana, Wisconsin, Iowa, and Michigan, have been immensely increased within the last few years.

MANUFACTURING INTERESTS.

The rise and progress of the arts and manufactures of the United States constitute an interesting and instructive chapter in our history. There we see most clearly delineated the narrow and selfish policy of the mother country; discouraging the arts and preventing the growth of manufactures in her colonies, for the purpose of retaining the monopoly of their commerce, and of perpetuating their state of colonial vassalage. So ruinous was this policy to the colonists, and so keenly did they feel its oppression, that the thirteen North American colonies which, in 1776, declared their independence, proceeded at once, in the first Congress convened under our constitution, to protect, by legislation, our infant manufactures; and the preamble of the first revenue law passed declared it to be necessary, among other things, "for the encouragement and protection of manufactures." This policy, thus early commenced, has been continued, with various changes in its application, down to the present time. Under its fostering influence our manufacturing interests have attained their present position, in which they are successfully competing with the world.

It is not extraordinary that a system of protective duties, so necessary in the infancy of our country to the development of its resources and the support of its manufactures against the competition of older, more wealthy, and populous States, should, after an uninterrupted continu-

ance of more than sixty years, be regarded as indispensable to national prosperity.

Many of our citizens have been so much accustomed to consider protective duties as the only aid which legislation can impart to industry, that they seem to have overlooked some more practical and equally efficient remedies which can be applied without violating any principle or exciting the prejudices of any party. A prevailing error has been to regard the policy of protection by high duties as one based upon abstract principles, instead of being a simple business matter, resting upon facts and common sense. The circumstances of a nation may so change, that free trade itself may become the highest measure of protection.

The English nation has found that the policy which nourished her manufactures in their infancy would have been ruinous to them in their maturity. It was from no sentiment of philanthropy for her starving population that Great Britain repealed her corn-laws, but that, by establishing free trade with her most important consumers, she might enlarge the markets for her productions. When her manufacturers could successfully defy the world, she adopted a policy which would enable them to command the markets of the world. Some of our most intelligent manufacturers, and particularly those of coarse cottons, acknowledge that their difficulty is over-production, and that little relief will be afforded by an increase of duty, which would stimulate production and overstock a market already glutted. They perceive that the most efficient relief will be to adopt, whenever practicable, the system of Great Britain, enlarge the outlets for our manufactures, and secure a more complete occupancy of markets already opened.

It is in this point of view that the question of free trade with the British provinces becomes one of the highest interest.

The population of these provinces, as stated in their census returns in 1851, is 2,476,548. Nearly three millions of people, who are as large consumers of manufactured goods as any in the world, are at our very side. The Chinese or Brazilians can use only a limited number of our manufactured articles, because the circumstances of climate, habits, and domestic necessities, in their countries, differ so much from our own. Here is a people similarly situated in almost every respect as our own. They need similar articles of clothing, use the like tools and implements for agricultural or mechanical labor, require similar articles of domestic comfort, and even luxury. The manufactures of the United States adapted to the peculiar circumstances of climate and soil of this northern continent, are much better fitted to supply the wants of the colonists than those even of Great Britain.

The colonists manufacture almost nothing; for the policy of Great Britain has been to keep her colonies entirely dependent upon herself for manufactured commodities. It must be many years, even under the more liberal régime that now prevails, before the industrial habits of the people can be changed, especially as a sparse population and want of surplus capital will be unfavorable to the growth of manufactures among them.

On the other hand, manufacturing industry is now firmly established upon our soil. Our fabrics and wares rival the choicest products of European workshops. Factories are springing up not only on our

eastern water-courses, but in our maritime towns and cities, where steam supplies the place of water-power with equal or greater cheapness; and also in the South, where cheap labor, and the contiguity of the raw material, with the best sites for manufactures, have raised formidable rivals of northern industry. The colonies and the United States, from their relative positions, thus become necessary to each other; one desires to consume what the other can supply. We need their markets no less than they do our goods. The question is, how shall these customers so necessary to us be secured?

It has been well said, "that we can command their markets only as we render our own attractive. Our best customers will be those who can make the best bargains with us for their own wares." Commerce must be mutually advantageous. That which is most profitable to both parties is a simple barter of commodities.

The Canadian cannot profitably bring to us specie or bills, the representatives of value exported to other countries, and purchase American goods. The loss of profit necessarily incident to a circuitous trade, must ultimately force him to markets where he can make a direct exchange. All that is required to secure a vent for our manufactures, so necessary to prevent the accumulation of unsaleable commodities, which has often paralyzed the productive energies of our people, is to admit, on free terms, the surplus natural productions of the colonies, which, as has been shown, may be done without diminishing the prices or injuriously affecting the sales of our important staples.

If the views above expressed are correct, there is no force in the objection which has been urged—that whereas the exports of the colonies will consist almost wholly of natural productions, and their purchases from us will be principally manufactured goods, the proposed measure, which provides for free trade only in natural products and admits only a limited number of manufactured, is reciprocity only in name.

There is no apparent reciprocity in our trade with Great Britain. The apparent advantages are all on our side. We charge a heavy duty on their exports to us, which are principally in the shape of manufactured goods; while they admit our most important staples—wheat and cotton—free. Yet by that very system we are attracted to her markets, and, buying where we sell, become the largest consumers of British manufactures.

The nation which is strongest in capital and skill derives the greatest advantage from free trade. It is believed that the benefits anticipated by some would not accrue to us from embracing, if it were practicable, all manufactures in the arrangement; as, in consequence of the abolition of differential duties in the provinces, our manufactures are now admitted on the same terms as those of our chief competitor, and are, therefore, now relatively free.

We have several important advantages over the mother country, which must always give our manufactures the preference. Our goods are better suited to the colonial wants; our markets greatly diminish the cost of transportation, enable the colonial merchants to select their goods by personal inspection, and our merchants to adapt their exports to the condition and necessities of a market with which they can have instant communication. Although it might be desirable to have a com-

mercial union with the colonies, as perfect as that between the several States, it must be remembered that this would be totally incompatible with the separate political existence of the colonial governments.

The principal expenses of their governments are paid by their moderate duties on imports. A proposition to include all our manufactures, or even those only which constitute the chief consumption of the colonies, in the reciprocity arrangement, would so materially impair the colonial revenue, that, in the opinion of the committee, it would be inevitably rejected; for a resort to direct taxation could never be expected of governments comparatively poor, and who have just projected magnificent and expensive systems of internal improvement, demanding increased instead of diminished revenues.

It is proper to refer more minutely to the returns, which show the great and increasing consumption of our manufactures by the colonies. The value of the whole export of domestic manufactured articles to Canada, in the year 1840, before the abolition of discriminating duties, did not amount to $100,000. Of farming implements and mechanics' tools the value was about $13,000, and of cotton manufactures not $3,000. So eagerly did the Canadians avail themselves of our implements, peculiarly suited, as they are, to their wants, that in 1845, only two years after the restrictions against us were removed, they imported farming implements and mechanics' tools to an amount exceeding $500,000. Our exports of leather and its manufactures were increased tenfold. The value of the whole export of manufactures to Canada exceeded $1,700,000.

The increase in colonial consumption of our manufactures during the twelve years succeeding 1840 is wholly unparalleled. In that year, the total value of exports of our domestic manufactures was $12,704,840; of which only $777,731 were sent to the colonies. By an analysis of the tables of commerce and navigation of the United States for the year ending June 30, 1851, it appears that the value of our entire export of domestic manufactures was $19,136,967. The value of our exports of domestic manufactures to all the British North American colonies was $5,437,775. For the year ending June 30, 1852, the whole amount of our domestic manufactures exported was $21,047,248; of which $3,812,878 were sent to these colonies. It appears by these returns that the colonies consume more of our manufactures, and, what is equally important, a greater variety, than any other country. This will appear from the following results taken from the official returns of our commerce and navigation for the year ending June 30, 1852:

Our total exports of manufactures of cotton are stated at $7,672,151. The value of our exports of the same to the colonies, is $597,234; nearly one-twelfth of the whole export. The value of the total export of iron and manufactures of iron is $2,418,136. The value of the same exported to the colonies is $452,150; nearly one-fifth of the whole export. When it is considered that the competition of British iron bears so heavily upon our manufacture of this article, the large export to the provinces forcibly illustrates the peculiar advantages we have for competing with Great Britain in the supply of manufactures for her colonies. The value of our total export of snuff and manufactured tobacco is $1,316,622. The value of the export of these articles to

the colonies is $408,586; nearly one-third of the whole export. The variety of the articles sent to the provinces, showing, as it does, that the benefits of the trade flow among all classes of our producers, is illustrated by the fact that in 1852 the total value of manufactures not enumerated exported was $2,877,659. The value of the same articles sent to the colonies was $1,310,837; more than one-half of the whole export. They are, therefore, the largest foreign consumers of this very important class of eastern manufactures. No one can deny that the colonial market has become almost indispensable to American manufactures. It is to be regretted, that for the last fiscal year the proportion of our domestic manufactures exported to the colonies fell considerably below that of the preceding year. Our export of cotton manufactures to the colonies was, in 1851, one-sixth of the whole amount of our export of the same; whereas for the last year it was but one-twelfth. Any movement, the tendency of which shall be to change the policy which encourages this trade, cannot fail to excite regret. Recent events seem to indicate the possibility of such a movement, particularly in the Canadian province.

The Hon. F. Hincks, Finance Minister of Canada, in a letter addressed to Hon. R. M. McLane, former chairman of the Committee on Commerce, dated January 6, 1851, remarks: "It is assumed—and, as perhaps it may turn out, unfortunately assumed—by the opponents of the reciprocity bill, that in the event of the bill being rejected by the American Congress, Canada will maintain her present commercial policy, and continue to foster the important trade from the United States. It is very desirable that you should be fully aware of the state of public opinion in Canada on this question. Having myself been a strong advocate for free commercial intercourse with the United States, and having had, in my position as Finance Minister, to resist in Parliament the advocates of a restrictive policy, I am thoroughly acquainted with the views of all parties. I have no hesitation in stating that the advocates of a retaliatory policy are rapidly gaining ground. Whether all or any of the plans suggested will be carried out, it is, of course, impossible for me to say. But it is certainly highly desirable that, in arriving at a very important decision, you should be fully aware of the probable consequences. The re-imposition of the differential duties against the United States manufactures, has been strongly urged. Such a measure would be most acceptable to the commercial interests of Montreal and Quebec, whose trade was seriously injured by their repeal.

"At the close of the last session of our Parliament, an influential member of the opposition—a gentleman who held, under a former administration, the office which I have now the honor to fill—gave notice of his intention to introduce a bill during the next session to re-impose these duties. Leading organs of the opposition have strongly advocated such a measure; and no doubt can be entertained that it will engage the consideration of our Parliament at an early day. Should it be adopted, the United States would have no just cause of complaint. They never invited Canada to repeal the differential duties; and their rejection of the reciprocity bill would, of course, be looked upon as a deliberate rejection of the Canada trade. In England, the re-imposition of differential du-

ties by Canada, would be received most favorably; and there can be no doubt that the effect would be, to stimulate the efforts of those who are seeking to obtain some modification of the present corn laws."

The committee have yet to refer to an important benefit which this measure would confer, by cheapening the raw materials for manufactures. A very important effect which it would have in this respect, would be in checking the alarming increase in the prices of wood and lumber. A well-informed writer remarks upon this subject: "A person who has not had his attention expressly directed to the subject, can hardly be aware of the bearing of a free lumber trade on almost every description of manufactures, and especially on that of cheap goods."

The outlay of capital for timber employed in building is a heavy charge upon the manufacturers; dear lumber also adds to the price of manufacturing labor by increasing the house-rent of the operative. Indeed, cheap lumber in this country may be said to be like bread—almost a necessity of life. Forming, as it does, the almost exclusive material of construction for cheap tenements, its dearness is directly felt by every citizen who builds him a house or erects a fence about his homestead, and by none more severely than the mechanic and the operative in our factories. The value of the manufactures of wood for the year 1837, in a single State, (Massachusetts,) whose forests are fast disappearing, was estimated at $1,881,589. We must look to the colonies for the supply of an extremely valuable kind of timber for ship-building, which has now become one of our most important branches of manufacture. The larch, or hackmatac, which is preferred before all other woods for the knees, beams, and top-timbers of ships, is found most abundantly in New Brunswick. From the abundance of this timber, considered at Lloyd's but little if any inferior to old English oak, it is asserted that ships can be built at St. John, New Brunswick, wholly of hackmatac, quite equal to New York ships, at a cost not exceeding three-fourths of the cost of the price of the latter.

With the increasing demand for wood and lumber, we cannot shut our eyes to the rapid diminution of our resources. Mr. Emerson, in his admirable report upon the forest trees of Massachusetts, made to the legislature of that State in 1846, says:

"The effects of the wasteful destruction of the forest trees are already visible. A very large portion of the materials for ship-building, house-building, and manufactures in the towns along the coast, is now brought from the States. Every year we are more and more dependent on Maine and New York, and some of the southern States, not only for ship-timber and lumber for house-building, but for materials for tanning and dyeing, for carriage-making, basket-making, plane-making, last-making, and for furniture, and the implements of husbandry.

"Even these foreign resources are fast failing us. Within the last quarter of a century the forests of Maine and New York, from which we draw our largest supplies, have disappeared more rapidly than those of Massachusetts ever did. In a quarter of a century more, at this rate, the supply in many places will be entirely cut off. In many parts of both those States, which recently furnished the most abundant supplies, agriculture is already taking the place of the lumber trade,

and the disforested region, now changing into beautiful farms, will never be allowed to resume its original wildness."

Speaking of the white pine, and its numerous and important uses, he continues: "In consequence of these numerous uses, it is every year becoming more scarce. The exportation, from the growth of this State, has almost ceased, and from New Hampshire and the southern parts of Maine it has much diminished, and the lumber has become of inferior quality. From the Penobscot and other great rivers in the northern parts of the State the exportation is still immense, but the lumbermen have to go every year to a greater distance from the great water-courses, and to ascend smaller streams and more remote lakes. The same thing is happening in New York, and the day is evidently not far distant when the inhabitants of New England even will have to depend on Canada for this wood." It is evident that the products of our forests are so rapidly diminishing, that not only New England, but other large districts along the Atlantic seaboard, must hereafter look for the principal supply to those vast northern wilds through which pour the magnificent waters of the Ottawa, Saguenay, and St. John. The products of the immense forests of pine timber which now line the Ottawa, as well as the other rivers which flow into the St. Lawrence, will be borne with comparative cheapness to New York and other Atlantic cities, either coastwise or through the water communications of the interior. In this connexion it must be noticed that the State of Maine will derive an important, if not full equivalent for the effects of free competition of provincial lumber, by a measure which is included in the proposed arrangement. Some of the most valuable timber lands belonging to Maine and Massachusetts are upon the river St. John, through whose waters timber may be floated more than four hundred miles. The free navigation of this river, which it is intended to secure by this measure, will be an important advantage to the citizens of Maine. To meet the changes of the management of the public lands, New Brunswick has imposed an export duty upon all lumber shipped from British as well as American waters, down the St. John; for, by the terms of the treaty of Washington, American lumber floated to the ocean through waters under British jurisdiction was to be "dealt with as if it were the produce of" said province. To avoid the payment of this export duty, the lumbermen of Maine have constructed dams at great expense on the upper waters of the St. John, so that lumber which would have run through the latter river is actually floated up the stream into lakes connected by artificial canals with the waters of the Penobscot. Numerous petitions have been presented to Congress from Maine for the redress of this grievance, which will be effected if the proposed commercial arrangements are adopted. Another very important advantage to our lumber-producing districts is proposed to be attained by reciprocal trade in lumber. At present a highly discriminating duty is charged in the ports of Great Britain upon American as well as all foreign timber and lumber in favor of the provincial trade. This bears heavily upon our exports of deals and other valuable lumber. A just and fair reciprocity in this important branch of trade demands, that while we open to the provincial lumber a market of vast extent, rapidly expanding, and easy of access, our trade in this

article should not be subjected to burdensome restrictions in the home market of Great Britain. It is confidently believed that a condition of the proposed reciprocal arrangement—so just in itself, and affecting an article of consumption of the very first necessity in every civilized country—will be readily accepted by a government which has adopted the wise policy of cheapening the food of her operatives, and the raw material of manufacture, by free trade.

FREE NAVIGATION OF THE ST. LAWRENCE.

By a reference to the correspondence of Mr. Clayton and Sir Henry L. Bulwer, which is annexed to this report, it will be seen that her Majesty's representative was authorized to assure our government that, in the event that a bill providing for reciprocal free trade between Canada and the United States should become a law, the British government would at once consent to open the navigation of the St. Lawrence, and of the canals connected therewith, to the shipping and citizens of the United States.

The committee do not deem it necessary to enlarge upon the value of the free navigation of the St. Lawrence, as this subject has been fully discussed in an able report from the Committee on Foreign Affairs, presented by Hon. A. W. Buel to the last Congress. The committee referred to recommended the adoption of the following resolution:

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled*, That the free navigation of the St. Lawrence river for commercial purposes demands the earnest attention of the American government, and that it is highly desirable that it be secured to American commerce at an early day."

This concession, or right, as our ablest statesmen have maintained, has been earnestly desired since the American Revolution. In 1826 it was the subject of an animated diplomatic correspondence between the United States and Great Britain. It is a privilege in which eight States of this Union have a direct interest. It seems the natural outlet to the principal portion of the great wheat-producing region of the United States. There can be but little doubt, from the numerous petitions presented to Congress from citizens of States adjacent to the northern chain of lakes, praying that measures may be taken to procure for our citizens the right to the free navigation of the St. Lawrence, that this concession would be regarded by the wheat-producing population of the Northwest as a full equivalent for all the supposed disadvantages of Canadian competition. At present, no American vessels can pass Montreal without permission. Repeated applications have been made to the Canadian government by parties in Buffalo, Cleveland, and Chicago, for permission to pass vessels through the St. Lawrence, which it has been constrained, under existing circumstances, to refuse. The Canadians can at any moment exclude our vessels from the ship-canals constructed around the falls of Niagara, and the rapids above Montreal, which are now so extensively used by our commerce, and through which vessels of three hundred tons burden, carrying three thousand barrels of flour, can pass to the ocean. The free navigation of this river, which is, in fact, but an extension of the great lakes,

would virtually convert three thousand miles of lake-coast into seacoast. Western wheat could compete in the British market with that from the Black sea, for Cleveland is a thousand miles nearer to Liverpool than Odessa. It is estimated that nearly eight millions of dollars' worth of shipping, owned by our citizens, is now idle upon the western lakes through the winter months, when the navigable waters are fast closed by ice. By having this outlet, a large part of the shipping might be profitably employed during the winter months in the coasting trade, or in carrying flour and other produce to the West Indies, for which they are well fitted. They could also participate in furnishing supplies for the great depots of the fisheries in the gulf. The towns on the lakes might even fit out vessels for the sea fisheries as favorably as the old towns on the New England coast. The committee consider the simple fact that the free navigation of the St. Lawrence is earnestly desired by the Northwest a sufficient answer to the arguments which have been presented against the importance of this navigation. These arguments may have originated in the apprehension that existing artificial channels might not continue to be used to the full extent of their capacity—an apprehension which any one must feel to be groundless who reflects that the Northwest is advancing at a rate which will give it, in half a century, nearly thirty millions of people; or who looks at the present principal artificial outlet to the western trade, and sees how "the immense trade of the northwestern States and Territories has been forced through the Erie canal, making the procession of boats through its whole extent as continuous as that of carriages through the heart of a great city; while, crowded to its utmost degree, it still leaves large accumulations of goods at every principal landing, and is never closed by ice without arresting a great amount of merchandise midway between its *termini*."

THE FISHERIES.

The measure under consideration contemplates the action of the treaty-making power in securing to the United States, anterior to any reciprocal free trade, certain concessions on the part of Great Britain, which are of the utmost importance to our citizens engaged in the sea fisheries. It is believed that no leading branch of national industry has made so little comparative progress as our sea fisheries. Before the revolutionary war, twenty thousand tons of shipping belonging to Massachusetts and other New England States were employed in the fisheries. The increase of shipping employed in the fisheries in the last twenty years has been only about eighty thousand tons. The tonnage of vessels employed in our sea fisheries on the 30th of June, 1852, was as follows:

Enrolled vessels employed in the cod fishery	102,659 tons.
Enrolled vessels employed in the mackerel fishery	72,546 "
Licensed vessels under 20 tons employed in the cod fishery	7,903 "

The importance of the fisheries as a nursery for seamen, so evident during our last war with Great Britain, has caused this branch of the

mercantile marine to receive the peculiar fostering care of modern commercial nations. The taking of fish on the banks, says Fisher Ames, in the First Congress, "is a momentous concern: it forms a nursery for seamen, and this will be the source from which we are to derive maritime importance." The causes of the evident decline in this important interest, and the means of arresting it, deserve the serious consideration of American statesmen.

The first cause which the committee will refer to is the diversion of labor and capital, formerly employed exclusively in this enterprise, to certain branches of smaller manufactures. This diversion has taken place particularly in the older towns of New England. The fishermen employed only during the mild season were left wholly without employment in the winter months, as the vessels were then almost invariably laid up. Frequently the whole amount due them was advanced upon their fares, so that they and their families were often exposed to severe want in the inclement season. Through the enterprise, if not the benevolence, of the capitalists engaged in the business, a scheme was devised for employing the idle hands. The unemployed fishermen were gradually induced to enter, during the winter, into the prosecution of some of the various branches of mechanical industry which were easily acquired, returning in the summer months to the fishing grounds. The superior attractions of the new and less precarious employments, in many cases, have finally caused the total abandonment of the fishing business, both by the capitalists and the operatives. In some towns—Beverly, for instance—which sent forth annually a large fleet to the banks, there is not a single registered vessel in the cod-fishery, although the mackerel fishery is still prosecuted. There appears to be less decline in the fishing business in the districts where these branches of manufacture have made but little progress, and where the material for ship-building is cheaper. The tonnage of the State of Maine employed in the cod-fishery is nearly equal to the whole tonnage of all other States employed in that fishery.

A second cause of the decline of the American fisheries is the competition of colonial fish in our own and foreign markets, in consequence of the legislation of 1846—a legislation which conferred a large benefit upon the colonial fisheries, without an adequate equivalent to our own. The reduction of duties from specific rates to a uniform *ad valorem* rate of twenty per cent. on the foreign cost of imported fish, has caused a large importation of colonial fish for our own consumption. The whole amount imported from the colonies for the year 1852 was $602,507. Previous to 1846, the importations were too trifling to be noticed. At that time, no drawback was allowed on foreign dried or pickled fish; but by the warehousing act of that year, foreign fish was admitted to be imported, entered in bond, and exported from American ports, without the payment of any duty.

From the statement of Mr. Wellman, deputy collector of Boston, in relation to the fisheries of Massachusetts, made to the Secretary of the Treasury, it appears that in 1843 no foreign dried fish were exported from any port in the United States, and only one hundred and three barrels of pickled fish. In 1847, 35,000 quintals of dried, and 14,000 barrels of pickled fish, were exported. From 1847 to 1851, there were ex-

ported from the port of Boston alone, 16,816 quintals, and 92,524 barrels of pickled fish, which were entered under the provisions of the warehousing law, and paid no duties. The value of the whole export of foreign fish—nearly all supposed to be colonial—for the year 1852, was $207,348.

The value of the whole export of American fish for the same year was $453,010. The decline appears extraordinary when it is remembered that the value of dried and pickled fish exported in 1806 exceeded $2,400,000. The views before presented as to the effect of the warehousing law in encouraging the competition of Canadian wheat, apply to colonial fish. By that law every advantage has been given to the colonial fish for competing with our own in the foreign market, which regulates the price; so that it may be said that American fish virtually have no protection under the present system.

The committee have high authority for asserting that those interested in the American fisheries would be willing that the duty on fish should be wholly abolished if they could obtain equal privileges with British subjects on the fishing grounds.

The third and principal cause of the decline of the American fisheries is, that, in consequence of treaty stipulations with Great Britain, Americans are excluded from the best fishing grounds, and deprived of other privileges and conveniences essential to the successful prosecution of any branch of the fishing business—advantages which they enjoyed in the period of their greatest prosperity. By the third article of the treaty of peace between the United States and Great Britain in 1783, it was provided as follows:

"That the people of the United States shall continue to enjoy unmolested the right to take fish of any kind on the Grand Bank, and on all other banks of Newfoundland; also, in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time to fish. That the inhabitants of the United States shall have liberty to take fish of any kind on such part of the coast of Newfoundland as the British shall use, (but not to cure and dry them on the island;) and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America. And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlements without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

It will be seen that, by the provisions of this treaty, the Americans secured the important privileges of the shore-fishing. It was while we enjoyed these privileges that our fisheries attained their highest prosperity. The British government regarded these privileges as forfeited by the war of 1812. By the convention of 1818 it was agreed "that the inhabitants of the United States shall have forever, in common with the subjects of his Britannic Majesty, liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coast

of Newfoundland, from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands; and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Bellisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have the liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador. But so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. *And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the above-mentioned limits:* provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The construction lately given to this treaty by the law officers of the crown is, that these three miles are to be measured from the headlands or extreme points of land of the coast, and not from the interior of the bays or indents of the coast. It is not necessary here for the committee to enter into any discussion to show upon what slight and narrow ground this conclusion is attempted to be justified. It is sufficient for the present purpose that the British government has preferred this claim of right. By this treaty, and especially by such a construction of its provisions, our vessels are excluded from the best fishing-grounds, particularly in the Gulf of St. Lawrence, where the greater number of our vessels resort. They are also shut out from the early spring and late fall fisheries—precisely those of the greatest value, and most easily prosecuted. Early in the spring the ice leaves the coasts and bays of the Gulf of St. Lawrence and passes out towards the Atlantic. This, together with the ice coming down from the straits, forms a barrier which the vessels from the United States cannot pass until late in the spring. Within the ice, upon the coast, the waters swarm with herring, which resort to the shores to deposite their spawn. The herring are pursued close to the shores by the cod, and thus the colonial fishermen are enabled to prosecute a most profitable fishery in open boats from the shore. After the American vessels have returned in the fall, the most valuable mackerel fishery of the season is prosecuted within the bays and upon the coasts. While the Americans, confined to the deep-sea fishery, are compelled to have expensive vessels, with at least nine men on board, the colonial fishermen can prosecute the fishing from the shore, upon the best grounds, in open boats. As the boats return at night, the fish are cured as fast as they are caught, and so thoroughly

cured and dried, that they can be exported in bulk. The Americans, on the other hand, are compelled to salt their fish on board their vessels in bulk. They remain a long time, until the end of the voyage, before they are dried. The fish, therefore, are never perfectly cured. It is for this reason, principally, that our foreign export of fish is rapidly declining, and we lose entirely the best foreign markets—the Neapolitan, for instance—which are wholly supplied with the perfectly cured colonial fish. If the proposed arrangement should be effected, there might be an entire change in the manner of conducting the fisheries. The Americans could have large establishments upon the shores, where they could leave boats and men for prosecuting the early spring and late fall fisheries. Thus they would have profitable employment for seven or eight months, instead of three, as at present. The mackerel fishermen, by having depots on shore, might obtain five or six fares during a season, instead of two. When mackerel are abundant, the vessels are often loaded in five or six days, and the vessel must then return to the United States. By having depots on shore the fishing could be prosecuted during the whole season, and the fish could be carried home in freighting-vessels. The mackerel fishermen would gain a great advantage from being allowed to fish within three miles of the shore, as the largest schools are generally found within those limits. These great benefits to our fishermen would far outweigh any disadvantages from colonial competition in the fish trade in our markets, while the whole country would feel the benefit of the increased production, consumption, and improved quality of the fish. The South would thus obtain an increased and cheap supply of herring—a most important article of food for her laborers.

Through the free navigation of the St. Lawrence, the shipping of the lakes would supply the great fishing depots in the gulf with pork and flour, and carry back the products of our maritime harvest for the supply of the interior. The market which the great West will furnish through this channel for sweet and well-cured fish, now almost unknown, will create a demand which the free competition of American and colonial fisheries will hardly supply.

In considering reciprocity, and its kindred measures, the committee have deemed it proper to confine themselves solely to the commercial aspect of the questions under discussion. They feel compelled, however, to notice certain recent movements connected with the subject, which may have a most serious effect not only upon the fishing interests, but the welfare of the whole nation. Recent events place it beyond doubt that the British and colonial authorities are determined to enforce the exclusive rights to the fishing grounds claimed to have been secured to them by the convention of 1818. During the last year, armed vessels were furnished by each of the colonies, and several ships despatched by the home government, under instructions to remove, by force, if necessary, all American vessels trespassing upon the fishing grounds within the prescribed three miles. The effect of this procedure has been highly injurious to our fall fishery of the last year; and, if persisted in, this fishery cannot be prosecuted by our citizens with profit. The American fishermen once held the right to fish on these grounds; and they have ever claimed this privilege by a sort of prescriptive

right. It cannot be supposed that our fishermen will patiently submit to a forcible encroachment upon their supposed rights. Collisions may take place; and such an event would instantly render possible consequences most deplorable. These evils Congress can avert by prompt and liberal legislation.

OF THE REVENUE.

If the conclusions to which the committee have arrived as to the effect of reciprocal trade with the British North American provinces upon the industrial interests and trade of the country are correct, it seems to follow, as a necessary consequence, that our revenue will be increased by it. The principal part of the revenue is derived from duties upon imports. With any given rate of duty, the amount collected will depend upon the extent of our importations of dutiable goods. Any system of international trade, therefore, the tendency of which is to increase the demand for these goods at the marts of commerce, must inevitably operate to enhance the revenue. A more satisfactory illustration, if any were needed, of the truth of this plain proposition, cannot be found than is presented in the operation of our present tariff. That measure innovated largely upon veteran precedents and long-cherished systems. It sought to reform errors, and correct abuses, and, above all, by establishing a fixed rate of duty, to secure our domestic industry against those fluctuations which had so often proved destructive of the very objects intended to be subserved. Its opponents confidently predicted, and many of its friends feared, its failure to supply the treasury. But the experience of six years has abundantly demonstrated its efficiency for all revenue purposes. That the degree of protection given by it to domestic industry has changed with the ever-varying demand and supply of the market, is attributable to those laws of trade which legislation cannot control. Doubtless we should class among the causes contributing largely to increase our importations, since the tariff of 1846, the unusually large accessions to our population, the rapid development of our resources, and the inexhaustible supplies of the precious metals drawn from our own territory. The official returns of commerce and navigation exhibit the astonishing progress of our trade. Our total exports and imports, exclusive of specie and bullion, for the year ending June 30, 1846, while the tariff of 1842 was in force, amounted to $231,079,730; of which $96,924,058 were dutiable imports, yielding a revenue of $30,378,699. For the last year the aggregate of our exports and imports, exclusive of specie and bullion, was $368,674,384; of which $201,706,194 were dutiable imports, yielding a revenue of $47,339,326: thus showing at the expiration of the brief period of six years of a healthy trade an excess of receipts from customs during the last year of $16,960,627 over the amount received from that source in the last fiscal year under the former tariff. The result is an excess of revenue over the ordinary annual expenditure of the government of $14,632,136. This large surplus, nearly equal to one-half the entire annual revenue from customs six years since, shows that, even if it were conceded that the proposed measure of reciprocity would for a short time diminish our receipts from that source, no embarrassment need be apprehended from it.

Our trade with the British North American colonies has, since 1843, even under the present restrictions, been continually increasing. As early as 1845, that accomplished statesman and able financial officer who was at the head of the Treasury Department during the administration of President Polk, speaking of the act allowing a drawback on foreign imports exported from certain of our ports to the British North American provinces, said it was "beginning to produce the most happy results, especially in an augmented trade in the supply of foreign exports to Canada from our own ports. Indeed, this law must soon give us the whole of this valuable trade during the long period when the St. Lawrence is closed by ice, and a large proportion of it at all seasons. The result would be still more beneficial if Canada were allowed to carry all her exports to foreign nations in transitu through our own railroads, rivers, and canals, to be shipped from our own ports. Such a system, while it would secure to us this valuable trade, would greatly enlarge the business on our rivers, lakes, railroads, and canals, as well as augment our commerce; and would soon lead to the purchase by Canada, not only of our foreign exports, but also, in many cases, of our domestic products and fabrics, to complete an assortment. In this manner our commercial relations with Canada would become more intimate, and more and more of her trade every year would be secured to our people."

These glowing anticipations from the effects of the law referred to, have been fully realized by subsequent experience. The trade of the United States with the British North American provinces, in 1846, was stated, in the aggregate, at $9,344,160 of exports and imports. In 1852, the same trade had risen to $16,619,315, and the revenue from the same had also largely increased. The establishment of free trade in the staple productions of these provinces, by largely increasing their sale in our marts of commerce, will draw to those points an augmented trade, stimulated by cheapness of transportation on our roads and canals, and the facilities by which all its operations can be conducted. The provincial merchant or agriculturist, following one of the unchanging laws of trade, will buy in the market where he sells, and thus become a consumer of our foreign imports as well as of our domestic productions. The merchant of Toronto who has purchased wheat, rye, and oats of the neighboring farmers, when he has sold these collected products in Boston or New York, will purchase there, with the proceeds, the supplies necessary to complete his stock of goods. The lumber-dealer of St. John will convert his lumber at Boston not only into breadstuffs, but also into goods imported from abroad. The fisherman of Nova Scotia and Newfoundland, wherever along our whole coast, from Boston to New Orleans, he shall sell his fish, will there purchase those articles of foreign growth necessary for his use. If our drawback laws have partially converted British colonial producers into American consumers of foreign imports, absolute and entire free trade in their great staples will complete the metamorphosis, and will add three millions of people to the present consumers of our foreign imports. It should be remembered, too, that this trade, so valuable to us now, is, by the system of internal improvements in progress in the colonies, and the increase of their population, rapidly becoming more important. At the

present ratio of increase, their population in 1860 may be safely set down at five millions of people of similar habits, wants, and necessities with ourselves. The laws of trade forbid the conclusion that a foreign commerce which shall afford to such a people their principal supplies of necessaries and luxuries, will be either reduced in amount or shorn of its revenues.

In conclusion, the committee report, for the adoption by Congress, a bill establishing reciprocal free trade between the United States and the British North American provinces, upon certain conditions to be previously adjusted between the governments of Great Britain and the United States, by the action of the treaty-making power. They confidently present this measure as a system of broad and comprehensive international trade, mutually beneficial to the commercial interests of both countries. They recommend it as a peaceful method of gathering up and putting at rest forever many vexed questions and possible future causes of contention between Great Britain and ourselves; while the colonies, bound to us by a commercial alliance which removes all causes for changing their present political position, "as the pulsations of a common social and mercantile vitality beat through our joint body politic, become hostages to insure our permanent peace with Great Britain, and through her with the whole European world."

Memorandum of papers appended to the foregoing report.

A letter of the Register of the Treasury, enclosing tables of commerce between the United States and the British North American provinces, for the year 1852, marked A.

Statement of exports of domestic produce and manufactures to Canada and the British North American provinces, during the year ending the 30th of June, 1852, marked B.

Statement exhibiting the quantity and value of foreign merchandise exported to Canada during the year ending on the 30th of June, 1852, marked C.

Statement of foreign merchandise exported from the United States to British colonies in America, in American and foreign vessels, for the year ending June 30, 1852, marked D.

Statement of merchandise imported into the United States from Canada, also the duties which accrued on the same, during the year ending June 30, 1852, marked E.

Statement of merchandise imported into the United States from the British American colonies, also the duties which accrued on the same, during the year ending June 30, 1852, marked F.

Extract from the report of I. D. Andrews, esq., to the Secretary of the Treasury, dated August 19, 1852, relative to the navigation of the river St. John, and its lumber-trade, marked G.

Message of President Taylor, and accompanying correspondence, relative to reciprocal trade between the United States and Canada, marked H.

Report of Hon. Alexander W. Buel, on the free navigation of the river St. Lawrence, marked I.

A.

TREASURY DEPARTMENT,
Register's Office, February 9, 1853.

SIR: Your letter of yesterday, addressed to the Secretary of the Treasury, having been referred to this bureau, I have the honor to communicate to you statements, in compliance with your request, "showing the commerce between the United States and the British North American provinces, for the year ending June 30, 1852."

I have the honor to be your most obedient servant,

N. SARGENT, *Register.*

HON. DAVID L. SEYMOUR,
Chairman of the Committee on Commerce, Ho. of Reps.

B.

Statement of the exports of domestic produce and manufacture to Canada and the British North American colonies during the year ending June 30, 1852.

Articles.	To Canada.		To the British North American colonies.	
	Quantity.	Value.	Quantity.	Value.
Oil—				
Spermaceti ..... gallons ..	20,883	$20,312	814	$1,043
Whale ..... do	29,362	17,798	11,295	6,846
Whalebone ..... pounds ..	155	80	100	22
Spermaceti candles ..... do	1,906	634	10,507	2,894
Fish—				
Dried or smoked ..... cwt.	1,146	3,702	145	340
Pickled ..... barrels ..	259	1,731	8	46
do ..... kegs	1		.....	
Wood—				
Staves and heading ..... M	.....	3,850	138	14,475
Shingles ..... do	166		52	
Boards, plank, and scantling ... M feet ..	451		132	
Hewn timber ..... tons	80		2,036	
Other lumber	.....	302	.....	1,786
Masts and spars	.....	.....	.....	347
Oak bark and other dye	.....	1,048	.....	686
All manufactures of	.....	53,378	.....	36,378
Naval stores—				
Tar and pitch ..... barrels ..	472	4,402	8,668	22,773
Rosin and turpentine ..... do	677		4,854	
Ashes, pot and pearl ..... tons	.....	.....	11	1,217
Skins and furs	.....	10,597	.....	4,570
Beef, pickled ..... barrels ..	113	98,164	4,281	96,317
Tallow ..... pounds ..	651,673		835,583	
Hides	24,767		2,646	
Horned cattle	35		1	
Butter ..... pounds ..	11,080	11,762	142,037	22,360
Cheese ..... do	171,726		50,170	
Pork, pickled ..... barrels ..	1,279	28,146	17,043	248,825
Bacon ..... pounds ..	14,987		24,793	
Lard ..... do	57,767		52,782	
Hogs, live	5		.....	
Horses	184	9,371	3	450
Sheep	88	260	.....	.....
Wool ..... pounds ..	49,977	12,627	.....	.....
Wheat ..... bushels ..	360,405	238,808	189,672	165,106
Flour ..... barrels ..	38,888	127,068	166,117	688,956
Indian corn ..... bushels ..	98,898	38,681	141,185	86,221
meal ..... barrels ..	3,369	7,567	30,153	96,283
Rye meal ..... do	.....	.....	11,968	41,435
Rye, oats, and other small grain and pulse ...	.....	1,117	.....	3,921
Biscuit, or ship bread ..... barrels ..	619	2,181	10,970	36,200
Do ..... do ..... kegs	.....		417	
Potatoes ..... bushels ..	334	144	330	178
Apples ..... barrels ..	5,221	7,903	4,213	9,385
Rice ..... tierces ..	824	18,642	1,161	25,049
Indigo ..... pounds ..	1,079	910	.....	.....
Cotton—				
Sea Island ..... do	.....	.....	.....	.....
Upland ..... do	14,133	1,264	2,449	270

B—Continued.

Articles.	To Canada.		To the British North American colonies.	
	Quantity.	Value.	Quantity.	Value.
Tobacco.....hhds....	45	$5,480	245	$24,557
Hemp .....cwt.....	2,148	13,886	511	2,669
Brown sugar.....pounds..	236,678	13,897	33,903	1,691
Hops .....do....	9,307	2,331	19,927	4,981
Wax.....do....	1,415	353	.....	.....
Refined sugar .....do....	36,232	3,316	42,502	3,174
Chocolate .....do....	385	50	3,851	536
Grain spirits .....gallons..	20,224	6,477	25,654	12,603
Molasses, spirits from .....do....	140	49	90,980	41,849
Molasses	.....	8,431	.....	312
Vinegar	.....	153	.....	2,887
Beer, ale, porter, and cider .....gallons..	4,749	947	4,549	1,040
Do.....do.....dozen...	.....		15	
Linseed oil .....gallons..	2,764	2,762	366	276
Spirits of turpentine .....do....	12,413	5,646	7,585	3,027
Household furniture	.....	40,980	.....	25,489
Coaches and other carriages	.....	12,546	.....	5,417
Hats	.....	37,708	.....	15,145
Saddlery	.....	1,918	.....	408
Tallow candles .....pounds..	27,814	6,738	86,601	11,782
Soap.....do....	52,468		60,589	
Snuff.....do....	21,915	276,895	4,352	131,641
Tobacco manufactured .....do....	1,665,963		904,079	
Leather .....do....	317,274	145,060	315,143	127,477
Boots and shoes.....pairs...	85,667		109,474	
Cables and cordage .....cwt....	1,072	10,856	417	4,869
Gunpowder.....pounds..	4,975	720	2,380	351
Salt.....bushels..	1,467,316	89,174	100	40
Lead.....pounds..	12,383	609	1,250	70
Iron—				
Pig .....tons	9	4,091	8	3,861
Bar.....do....	56			
Nails.....pounds..	71,460		107,100	
Castings of.....	.....	86,260	.....	34,009
All manufactures of.....	.....	261,566	.....	62,463
Copper and brass, and manufactures of.....	.....	4,005	.....	3,423
Medical drugs.....	.....	40,105	.....	11,808
Cottons—				
Printed or colored	.....	114,203	.....	50,372
Uncolored	.....	189,716	.....	142,977
Thread and yarn.....	.....	20,188	.....	330
Other manufactures of.....	.....	55,501	.....	23,947
Hemp and flax—				
Cloth and thread of.....	.....	711	.....	1,018
Bags and other manufactures of.	.....	1,128	.....	2,244
Wearing apparel.....	.....	12,356	.....	11,244
Earthen and stone ware.....	.....	5,518	.....	481
Combs and buttons.....	.....	40	.....	636
Brushes of all kinds.....	.....	265	.....	39
Umbrellas, parasols, and sunshades.....	.....	1,697	.....	1
Morocco and otherlea ther not sold per pound	.....	226	.....	294
Fire-engines and apparatus.....	.....	10,545	.....	.....
Printing presses and type.....	.....	4,802	.....	2,673
Musical instruments.....	.....	45,226	.....	3,394

B—Continued.

Articles.	To Canada.		To the British North American colonies.	
	Quantity.	Value.	Quantity.	Value.
Books and maps		$62,342		$14,855
Paper and stationery		10,341		13,358
Paints and varnish		20,185		2,222
Manufactures of glass		54,945		9,743
Manufactures of tin		2,345		102
Manufactures of pewter and lead		1,763		275
Manufactures of marble and stone		18,055		1,164
Manufactures of gold and silver and gold leaf		251		1,114
Gold and silver coin				51,000
Artificial flowers and jewelry		841		528
Trunks		991		2,264
Brick and lime		2,321		1,832
Coal.....tons	8,814	38,942	2,297	8,363
Ice				41
Articles not enumerated—				
Manufactured		1,184,523		126,314
Raw produce		339,538		25,075
Total		4,004,963		2,650,134
There was in American vessels		$2,083,918		$604,454
There was in foreign vessels		1,921,045		2,045,680
Total		4,004,963		2,650,134

TREASURY DEPARTMENT,
Register's Office, February 9, 1853.

N. SARGENT, *Register.*

C.

A statement exhibiting the quantity and value of foreign merchandise exported to Canada during the year ending June 30, 1865.

Species of merchandise.	Exports.		
	Quantity.	Value.	Total value.
Free articles—			
Specie, gold		$153,250	
silver		13,600	
Teas, pounds	1,950,892	876,748	
Coffee, do	601,001	60,868	
Garden seeds, &c., do		33	
Guano, do		50	
			$1,104,549
Manufactures of wool—			
Cloths, &c		71,425	
Merino shawls of wool		12,560	
Blankets		4,994	
Hosiery, &c		2,943	
Worsted stuff goods		52,436	
Woollen and worsted yarn		384	
Manufactures not specified		13,916	
Flannels		123	
Carpeting, Wilton, Saxony, &c., yards	5,195	5,849	
Do., Brussels, do	758	1,047	
Manufactures of cotton—			
Printed, stained, or colored		120,283	
White or uncolored		108,741	
Tambored or embroidered		689	
Velvets wholly of cotton		242	
Hosiery, &c		13,991	
Twist, yarn and thread		7,279	
Manufactures not specified		15,688	
Manufactures of silk—			
Piece goods		71,653	
Hosiery, &c		467	
Sewing silk		2,271	
Tambored or embroidered		684	
Hats and bonnets		185	
Manufactures not specified		45,247	
Bolting cloths		291	
Silk and worsted goods		4,483	
Manufactures of flax—			
Linens, bleached or unbleached		16,596	
tambored or embroidered		102	
not specified		2,850	
Manufactures of hemp not specified		211	
Clothing—			
Ready made		14,573	
Articles of wear		4,850	
Laces, cotton, insertings, &c		9,977	
Oil cloths of all kinds, yards	7,200	1,512	
Hats, caps, &c.—			
Of leghorn, straw, chip, &c		28,906	
Of palm leaf, ratan, &c		23	
Manufactures of iron and steel—			
Fire-arms not specified		438	
Drawing and cutting knives		47	
Needles, sewing, &c		1,009	

C—Continued

Species of merchandise.	Exports.		
	Quantity.	Value.	Total value.
Manufactures of iron and steel—			
Cutlery		$4,338	
Manufactures not specified		19,880	
Wire, N by A, No. 14 ..... pounds	21,900	876	
Nails ..... do	9,000	313	
Braziers' rods, from 3-16 to 10-16 diameter, lbs.	32,480	797	
Hoop iron ..... pounds	1,680	90	
Sheet iron ..... do	37,000	1,490	
Bar, manufactured by rolling ..... cwt	22,722	40,959	
Steel, cast, shear, and German ..... do	137	1,044	
Copper, in pigs, bar, and old		30	
Brass, manufactures of		202	
Tin—			
In pigs and bars		56	
In plates and sheets		16,533	
Gold and silver—			
Jewelry, and imitations of		9,602	
Manufactures, not specified		2,208	
Watches, and parts of		22,640	
Pins, in packs and otherwise		562	
Buttons, metal		7,373	
all other moulds		2,833	
Glass—			
Silvered, in frames		1,189	
Paintings on glass, porcelain, &c		66	
Manufactures, not specified		6,578	
Glassware, cut		473	
Bottles, not above 2 quarts ..... gross	9	38	
Paper—			
Medium, cap, demy, and other		121	
Bank and bank note paper		274	
Papier mache, and manufactures of		1,644	
Paper hangings		1,439	
Manufactures, not specified		805	
Blank books		99	
Books, printed, magazines, &c., in English		14,710	
Leather—			
Skins tanned and dressed ..... dozen	398	6,401	
Boots and bootees for men and women, pairs	165	513	
Boots and bootees for children ..... do	293	732	
Gloves for men, women, and children, dozen	1,930	7,449	
Wares—			
China, porcelain, &c		340	
Plated and gilt		5,978	
Furs—			
Undressed on the skin		1,355	
Dressed on the skin		357	
Hats, caps, muffs, and tippets		1,598	
Wood, manufactures of—			
Cedar, mahogany, &c		76	
Wood, unmanufactured—			
Cedar, mahogany, &c		25	
Dye-wood in stick		953	
Cork		224	
Brushes and brooms		50	
Hides and skins, raw		43,531	
Shoes and slippers, silk or satin ..... pairs	1,125	939	

C—Continued.

Species of merchandise.	Exports.		
	Quantity.	Value.	Total value.
Gunny bags		$60	
Umbrellas of silk		8,819	
Wool, unmanufactured ..... pounds..	7,566	1,135	
Wines—			
Madeira ..... gallons..	960	703	
Sherry and St. Lucar ..... do....	3,059	2,593	
Port ..... do....	4,150	3,017	
Claret ..... do....	553	94	
Of Austria and other parts of Germany .do....	240	61	
Red wines not enumerated ..... do....	4,200	924	
White....do .....do..... do....	10,672	3,414	
Champagne, in bottles ..... dozen...	809	4,321	
Port.....do..... do....	10	44	
Claret.... ....do..... do....	188	748	
All other.....do..... do....	43	240	
Spirits—			
Brandy ..... gallons..	4,078	3,828	
From grain..... do....	806	459	
From other materials ..... do....	157	201	
Cordials..... do....	22	46	
Molasses ..... do....	16,967	1,911	
Oil—			
Whale and other fish ..... do....	150	60	
Linseed ..... do....	584	292	
Teas—			
From places other than their growth..pounds..	8,112	2,403	
Coffee—			
From places other than their growth...do....	26,619	2,270	
Sugar—			
Brown ..... do....	3,564,916	125,616	
Loaf and other refined..... do....	365,586	21,896	
Fruits—			
Almonds ..... do....	11,875	1,431	
Currants ..... do....	185,204	7,479	
Prunes ..... do....	1,365	137	
Figs ..... do....	4,730	306	
Dates..... do....	1,700	102	
Raisins ..... do....	516,721	28,263	
Nuts..... .... do....	16,489	1,232	
Spices—			
Nutmegs ..... do....	2,962	1,186	
Cloves ..... do....	1,509	167	
Pepper, black .... do....	27,566	1,642	
Pimento ..... do....	28,748	2,329	
Cassia ..... do....	19,708	1,990	
Ginger, ground..... do....	4,492	210	
Ginger, in root..... do....	16,140	212	
Saltpetre, partly refined..... do....	30,440	1,522	
Indigo ..... do....	1,942	1,961	
Alum..... do....	643	17	
Copperas..... do....	300	10	
Sulphate of quinine..... ounces..	100	273	
Tobacco, cigars ..... M....	1,411	13,583	
Paints—			
Dry ochre ..... pounds..	570	11	
Red and white lead ..... do....	11,983	719	
Cordage, untarred ..... do....	17,942	2,153	

C—Continued.

Species of merchandise.	Exports,		
	Quantity.	Value.	Total value.
Fish—			
Salmon.....barrels..	10	$103	.....
Mackerel.....do....	25	76	.....
Herrings and shad.....do....	52	172	.....
Articles at 5 per cent.....	.....	662	.....
10...do.....	.....	3,279	.....
15...do.....	.....	197	.....
20...do.....	.....	35,427	.....
25...do.....	.....	302,404	.....
30...do.....	.....	143,122	.....
40...do.....	.....	1,238	.....
Aggregate value, viz:			
Free of duty.....	.....	1,104,549	
Paying duty.....	.....	1,607,548	
		2,712,097	

N. SARGENT, *Register.*

TREASURY DEPARTMENT, *Register's Office, February* 9, 1853.

D.

Statement of foreign merchandise exported from the United States to British American colonies in American and foreign vessels for the year ending 30th June, 1852.

Merchandise.	Quantity.	Value.
FREE.		
Specie, gold		$61,558
Teas ..... pounds	801,390	176,138
Coffee ..... do	215,569	21,153
Sheathing metal		973
Oakum		2,915
		262,737
PAYING DUTY.		
Manufactures of wool—		
Cloths and cassimeres		1,526
Merino shawls		664
Hosiery and articles on frames		40
Worsted stuff goods		600
Manufactures of, not specified		463
Manufactures of cotton—		
Printed, stained, or colored		23,204
White or uncolored		22,418
Cords, gimps, and galloons		574
Hosiery and articles made on frames		896
Twist, yarn and thread		1,961
Manufactures of, not specified		2,255
Silk, and manufactures of—		
Piece goods		2,878
Hosiery and articles on frames		67
Manufactures, not specified		7,490
Manufactures of flax—		
Linens, bleached or unbleached		97
Manufactures, not specified		300
Manufactures of hemp—		
Sail duck—Russia, pieces	62	893
Ravens, pieces	30	180
Clothing, ready-made		158
Laces—cotton insertings, laces, &c		1,795
Matting, Chinese and other, of flags, &c		150
Hats, &c., of leghorn, straw, chip, grass, &c		2,227
Manufactures of iron and steel—		
Needles		55
Cutlery, not specified		1,161
Other manufactures, not specified		2,106
Iron and steel wire—not above No. 14 ..... pounds	22,400	950
above No. 14 ..... do	22,400	900
Chain cables ..... do	3,200	173
Anchors, and parts thereof ..... do	40,000	1,249
Anvils, and parts thereof ..... do	3,580	201
Sheet iron ..... do	18,503	877
Old and scrap ..... cwt	70	60
Bar manufactured by rolling ..... do	8	20
Steel, cast, shear, and German ..... do	10	68
Manufactures of copper, not specified		89
Tin, and manufactures of—		
In pigs and bars		90
Plates and sheets		322
Manufactures not specified		259

D—Continued.

Merchandise.	Quantity.	Value.
Watches, and parts of		$250
Buttons, metal		89
Glass, polished plate		1,376
Glass, manufactures of, not specified		40
Manufactures of glass—		
Window glass not above 10 by 12 inches ..... square feet	100	700
Paper, and manufactures of—		
Folio and quarto post		464
Leather, and manufactures of—		
Shoes and pumps for men and women ..... pairs	1,000	733
Gloves for men, women, and children ..... dozens	424	1,695
Wares—		
China, porcelain, earthen, and stone		740
Plated or gilt		852
Wood, manufactures of, not specified		181
Wood, unmanufactured—		
Cedar, mahogany, &c		875
Fire-wood, and other, not specified		68
Dye-wood, in stick		2,170
Corks		22
Marble, unmanufactured		1,000
Quicksilver		73
Slates of all kinds		52
Raw hides and skins		29,969
Gunny bags		21
Wines in casks—		
Madeira ..... gallons	300	297
Sherry and St. Lucar ..... do	996	897
Port ..... do	1,735	1,403
Claret ..... do	2,332	398
Sicily and other Mediterranean ..... do	2,306	1,356
Wine in bottles—		
Champagne ..... dozen	116	871
Foreign distilled spirits—		
Brandy ..... gallons	11,464	11,273
From grain ..... do	240	300
From other materials ..... do	17,064	6,244
Molasses ..... do	177,584	35,489
Oil—		
Olive in casks ..... do	495	359
Castor ..... do	262	278
Linseed ..... do	1,272	634
Teas, from places other than that of their production .. pounds	531	95
Cocoa ..... do	12,043	556
Sugars—		
Brown ..... do	470,853	21,506
Loaf, and other refined ..... do	222,909	15,881
Fruits—		
Almonds ..... do	10,240	1,221
Currants ..... do	92,196	5,292
Figs ..... do	21,153	1,350
Dates ..... do	350	29
Raisins ..... do	255,071	15,798
Nuts ..... do	72,465	3,728
Spices—		
Nutmegs ..... do	100	80
Pepper, black ..... do	14,782	851
Pimento ..... do	3,890	351
Cassia ..... do	4,211	752
Ginger in root ..... do	36,940	1,474

D—Continued.

Merchandise.		Quantity.	Value.
Candles—			
Stearine	pounds	875	$218
Starch	do	1,300	256
Butter	do	2,557	320
Beef and pork	do	135,000	5,400
Hams and other bacon	do	6,113	611
Bristles	do	213	155
Indigo	do	116	141
Soda ash, or barilla	do	17,400	310
Tobacco—			
Unmanufactured	do	1,000	100
Cigars	M	758	8,611
Cordage—			
Tarred and cables	pounds	315,458	23,599
Untarred	do	8,910	908
Manilla, sun, and other hemp of India, &c	cwt	592	9,334
Salt	bushels	19,480	1,950
Coal	tons	150	260
Breadstuffs—			
Wheat	bushels	1,680	1,344
Wheat flour	cwt	239,632	563,821
10 per cent			2,964
15 per cent			393
20 per cent			6,531
30 per cent			2,202
40 per cent			108
			879,085
Free			262,737
Total			1,141,822

	Free.	Paying duty.	Total value.
Exported in American vessels	10,249	78,748	$88,997
Exported in foreign vessels	252,488	800,337	1,052,825
Total	262,737	879,085	1,141,822

N. SARGENT, *Register.*

TREASURY DEPARTMENT,
Register's Office, February 9, 1853.

E.

Statement of merchandise imported into the United States from Canada, also the duties which accrued on the same, during the year ending June 30, 1852.

Merchandise.	Quantity.	Value.	Rate.	Duties.
FREE.			*Per ct.*	
Animals for breed	.....	$31,173	.....	.....
Specie, gold	.....	237,175	.....	.....
silver	.....	346,784	.....	.....
Apparel of emigrants	.....	87,617	.....	.....
Garden seeds, &c.	.....	50,880	.....	.....
Produce of United States brought back	.....	7,867	.....	.....
Other articles	.....	75	.....	.....
		761,571		
DUTIABLE.				
Manufactures of wool—				
Cloths and cassimeres	.....	997	30	$299 10
Merino shawls of wool	.....	8	30	2 40
Blankets	.....	6	20	1 20
Hosiery, &c.	.....	37	30	11 10
Worsted stuff goods	.....	905	25	226 25
Woollen and worsted yarn	.....	2	30	60
Articles embroidered or tambored	.....	10	30	3 00
Manufactures not specified	.....	733	30	219 90
Flannels ..... yards	89	27	25	6 75
Venetian carpeting ..... do	107	50	30	15 00
Carpeting not specified	.....	45	30	13 50
Cotton, manufactures of—				
Printed, stained or colored	.....	907	25	226 75
White or uncolored	.....	10	25	2 50
Hosiery, &c.	.....	2	20	40
Twist, yarn, and thread	.....	7	25	1 75
Manufactures not specified	.....	113	25	28 25
Silk, manufactures of—				
Piece goods	.....	97	25	24 25
Articles tambored or embroidered	.....	20	30	6 00
Manufactures not specified	.....	40	25	10 00
Bolting cloths	.....	2	25	50
Silk and worsted goods	.....	20	25	5 00
Flax manufactures—				
Linens, bleached or unbleached	.....	35	20	7 00
Manufactures not specified	.....	85	20	17 00
Hemp, manufactures of—				
Not specified	.....	16	20	3 20
Sail duck, ravens ..... pieces	10	48	20	9 60
Russia ..... do	3	60	20	12 00
Ready-made clothing	.....	238	30	71 40
Oil cloths ..... yards	10	15	30	4 50
Hats of Leghorn, straw, &c.	.....	9,846	30	2,953 80
Iron and steel, manufactures of—				
Fire-arms not specified	.....	189	30	56 70
Scythes	.....	6	30	1 80
Cutlery	.....	13	30	3 90
Manufactures not specified	.....	1,753	30	525 90
Wire, not above No. 14 ..... pounds	418	31	30	9 30
Nails ..... do	384	17	30	5 10
Chain cables ..... do	12	1	30	30
Mill, cross-cut, and pit saws ..... No.	3	7	30	2 10

E—Continued.

Merchandise.	Quantity.	Value.	Rate.	Duties.
			Per ct.	
Iron and steel, manufactures of—				
Anchors, and parts of.....pounds..	7,000	$250	30	$75 00
Smiths' hammers, &c.....do....	20	3	30	90
Castings, vessels of.....do....	200	11	30	3 30
Castings, other.....do....	10,553	349	30	104 70
Iron—				
Band or scroll.....do....	160	6	30	1 80
Hoop.....do....	238	9	30	2 70
Sheet.....do....	55,303	1,142	30	342 60
Pig.....cwt....	28,858	14,438	30	4,331 40
Old and scrap.....do....	2,907	1,909	30	572 70
Bar, manufactured by rolling.....do....	490,758	615,192	30	184,557 60
Bar, manufactured otherwise.....do....	5	22	30	6 60
Steel—cast, shear, and German.....do....	11	86	20	17 20
Copper, in pigs, bars, and old.....	.....	44,496	5	2,224 80
Tin, in plates and sheets.....	.....	4	15	60
Tin, manufactures of.....	.....	3	30	90
Lead, pig, bar, sheet, and old.....pounds..	300	4	20	80
Gold and siver, manufactures of.....	.....	33	30	9 90
Metal buttons.....	.....	3	25	75
Glass ware, cut.....	.....	4	40	1 60
Bottles, not above two qu[illegible].....gross..	5	24	30	7 20
Window glass, not above 8[illegible]10.....sq. ft..	300	12	20	2 40
Paper, medium, cap, &c.....	.....	6	30	1 80
Paper, bank and bank note.....	.....	12	30	3 60
Clocks.....	.....	3	30	90
Paper hangings.....	.....	10	20	2 00
Books printed in English.....	.....	403	10	40 30
Periodicals, &c.....	.....	80	10	8 00
Leather, and manufactures of—				
Skins, tanned and dressed.....dozen..	61	800	20	160 00
Tanned bend and sole.....pounds..	345	37	20	7 40
Tanned and dressed upper.....do....	66	25	20	5 00
Boots and shoes for men and women, pair.	19	58	30	17 40
Gloves for men, women, and children, doz.	2	4	30	1 20
Manufactures not specified.....	.....	718	30	215 40
Wares—				
China, porcelain, stone, &c.....	.....	703	30	210 90
Plated or gilt.....	.....	6	30	1 80
Japanned.....	.....	3	30	90
Saddlery—				
Common tinned or japanned.....	.....	83	20	16 60
Plated brass or polished steel.....	.....	2	30	60
Furs, manufactures of—				
Undressed on the skin.....	.....	9,350	10	935 00
Dressed on the skin.....	.....	1,471	20	294 20
Hats, caps, muffs, &c.....	.....	100	30	30 00
Manufactures not specified.....	.....	62	30	18 60
Wood, manufactured—				
Cabinet furniture, &c.....	.....	13	30	3 90
Cedar, grenadilla, &c.....	.....	54	40	21 60
Manufactures not specified.....	.....	9,479	30	2,843 70
Wood, unmanufactured—				
Cedar, grenadilla, &c.....	.....	4,392	20	878 40
Fire-wood and other not specified.....	.....	179,366	30	53,809 80
Dye-wood, in stick.....	.....	571	5	28 55
Raw hides and skins.....	.....	15,821	5	791 05
Flaxseed or linseed.....bushels..	7,639	5,820	10	582 00
Wool.....pounds..	457,710	68,561	30	20,568 3

E—Continued.

Merchandise.	Quantity.	Value.	Rate.	Duties.
Wine, in casks—			*Per ct.*	
Madeira ..... gallons..	310	$219	40	$87 60
Sherry and St. Lucar ..... do....	52	60	40	24 00
Port ..... do....	172	172	40	68 80
Wine, in bottles—				
Claret ..... dozen..	2	9	40	3 60
Champagne ..... do....	17	163	40	65 20
Sherry ..... do....	3	21	40	8 40
Port ..... do....	2	4	40	1 60
Brandy ..... gallons..	1,481	1,393	100	1,393 00
Spirits from grain ..... do....	631	227	100	227 00
Spirits from other materials ..... do....	5	4	100	4 00
Cordials ..... do....	44	18	100	18 00
Beer, ale, and porter—				
In casks ..... do....	2,421	647	30	194 10
In bottles ..... do....	828	281	30	84 30
Vinegar ..... do....	5,058	969	30	290 70
Whale and other fish oil ..... do....	250	127	20	25 40
Teas from places other than of production, lbs.	6	2	20	40
Sugar, brown ..... pounds..	753	57	30	17 10
Sugar, loaf and other refined ..... do....	240	15	30	4 50
Candles, wax and spermaceti	30	12	20	2 40
Slates of all kinds	.....	1,178	25	294 50
Candles, tallow ..... pounds..	990	93	20	18 60
Cheese ..... do....	251	13	30	3 90
Soap, not perfumed ..... do....	293	15	30	4 50
Tallow ..... do....	553	25	10	2 50
Pearl barley ..... do....	68	17	20	3 40
Butter ..... do....	894,619	71,297	20	14,259 40
Lard ..... do....	24,671	1,451	20	290 20
Beef and pork ..... do....	631,918	31,198	20	6,239 60
Hams and other bacon ..... do....	100,095	5,846	20	1,169 20
Glue ..... do....	10	2	20	40
Copperas ..... do....	270	3	20	60
Tobacco, unmanufactured ..... do....	1,018	25	30	7 50
Snuff ..... do....	28	10	40	4 00
Cigars ..... M....	1	5	40	2 00
Red and white lead ..... pounds..	53	8	20	1 60
Cordage, untarred ..... do....	240	28	25	7 00
Rags of all kinds ..... do....	488,095	10,116	5	505 80
Salt ..... bushels..	60,944	6,466	20	1,293 20
Coal ..... tons...	476	655	30	196 50
Breadstuffs—				
Wheat ..... bushels..	860,858	557,176	20	111,435 20
Barley ..... do....	74,210	33,242	20	6,648 40
Rye ..... do....	25,611	9,544	20	1,908 80
Oats ..... do....	317,739	63,609	20	12,721 80
Wheat flour ..... cwt....	517,796	1,010,218	20	202,043 60
Oat meal ..... do....	1,969	3,741	20	748 20
Potatoes ..... bushels..	10,807	2,505	30	751 50
Fish, dried, smoked, or pickled—				
Dried or smoked ..... cwt...	70	173	20	34 60
Salmon ..... barrels..	680	5,287	20	1,057 40
Mackerel ..... do....	2,072	9,414	20	1,882 80
Herrings and shad ..... do....	103	298	20	59 60
All other ..... do....	4,422	10,624	20	2,124 80

E—Continued.

Merchandise.	Quantity.	Value.	Rate.	Duties.
Merchandise not enumerated above—			*Per ct.*	
At 5 per cent		$2,390	5	$119 50
At 10 per cent		5,326	10	532 60
At 15 per cent		783	15	117 45
At 20 per cent		948,399	20	189,679 80
At 25 per cent		953	25	238 25
At 30 per cent		39,406	30	11,821 80
At 40 per cent		48	40	19 20
		3,828,398	.....	849,321 95

RECAPITULATION.

Free of duty	$761,571
Paying duties	3,828,398
	4,589,969
In American vessels	2,278,603
In foreign vessels	2,311,366
	4,589,969

TREASURY DEPARTMENT,
Register's Office, February 9, 1853.

N. SARGENT, *Register.*

F.

Statement of merchandise imported into the United States from British American colonies, also the duties which accrued on the same, during the year ending June 30, 1852.

Free merchandise.	Quantity.	Value.
Animals for breed		$976
Specie—Gold		6,170
Silver		50,725
Cotton, unmanufactured ..... pounds..	140,280	7,364
Specimens of natural history, &c		20
Platina, unmanufactured		666
Plaster, unground		74,178
Wearing apparel, &c., of emigrants		2,320
Old junk		5,611
Oakum		64
Garden seeds, trees, &c		325
Produce of United States brought back		6,351
Guano ..... tons..	577	288
Other articles		63,660
Total value		218,718

F—Continued.

Dutiable merchandise.	Quantity.	Value.	Rate.	Duties.
			Pr. ct.	
Manufactures of wool—				
Not specified		$257	30	$77 10
Blankets		32	20	6 40
Hosiery, &c		237	30	71 10
Cotton, manufactures of—				
White or uncolored		428	25	107 00
Tambored or embroidered		517	30	155 10
Manufactures not specified		47	25	11 75
Flax, manufactures of—				
Linens, bleached or unbleached		135	20	27 00
Manufactures not specified		15	20	3 00
Sail duck, Holland ....pieces..	12	89	20	17 80
Clothing, ready made		84	30	25 20
Articles of wear		23	30	6 90
Matting, Chinese, &c		11	25	2 75
Hats, caps, &c., of leghorn, straw, &c		853	30	255 90
Iron and steel, manufactures of—				
Not specified		818	30	245 40
Spikes ....pounds..	2,635	94	30	28 20
Chain cables	32,518	825	30	247 50
Anchors and parts of	15,001	555	30	166 50
Castings other than vessels	200	13	30	3 90
Iron, pig ....cwt...	3,094	1,708	30	512 40
Do..old and scrap	7,942	4,716	30	1,414 80
Do..bar, manufactured by rolling ...	2,750	1,867	30	560 10
Copper, in pigs, bars, and old		576	5	28 80
Brass....do....do		167	5	8 35
Manufactures not specified		6	30	1 80
Lead, pigs, bars, sheet, and old...pounds..	22,293	444	20	88 80
Glass, manufactures of		6	30	1 80
Bottles, not above two quarts..gross..	33	57	30	17 10
Books printed in England		106	10	10 60
Leather, and manufactures of—				
Tanned, bend, and sole....pounds..	7,101	551	20	110 20
Tanned and dressed upper	336	26	20	5 20
Skins, tanned and dressed ....dozen..	4	33	20	6 60
Skins, tanned and not dressed	63	296	20	59 20
Ware, china, porcelain, &c		101	30	30 30
Furs, undressed on the skin		1,939	10	193 90
Wood, manufactures of		4,462	30	1,338 60
Wood, unmanufactured—				
Cedar, grenadilla, &c		1,309	20	261 80
Firewood and other not specified		80,533	30	24,159 90
Dyewood in stick		458	5	22 90
Marble, unmanufactured		641	20	228 20
Brushes and brooms		17	30	5 10
Raw hides and skins		13,430	5	671 50
Gunny bags		28	20	5 60
Flaxseed or linseed ....bushels..	31	31	10	3 10
Wool....pounds..	26,153	4,731	30	1,419 30
Wine in casks—				
Port....gallons..	511	578	40	231 20
Red, not enumerated	690	406	40	162 40
Wine in bottles, not specified....dozens..	1	5	40	2 00
Brandy....gallons..	620	633	100	633 00
Spirits from grain	325	162	100	162 00
from other materials	20	10	100	10 00
Beer, ale, and porter (in bottles)..gallons..	15	14	30	4 20
Vinegar	92	18	30	5 40
Molasses	14,431	2,011	30	603 30
Whale and other fish oil	2,647	900	20	180 00

F—Continued.

Dutiable merchandise.	Quantity.	Value.	Rate.	Duties.
			Pr. ct.	
Whalebone.....pounds..	1	$1	20	$0 20
Oil, neat's-foot and other animal..gallons..	26,067	11,033	20	2,206 60
Teas, from places other than of production.....pounds..	1,015	236	20	47 20
Coffee.....do.....do....	100	14	20	2 80
Cocoa	25,876	1,566	10	156 60
Sugar, brown	800	63	30	18 90
Fruits—raisins	4,785	203	40	81 20
Spices—nutmegs	398	189	40	75 60
pimento	9,756	918	40	367 20
Soap, not perfumed	212	14	30	4 20
Butter	50,336	6,470	20	1,294 00
Lard	36,397	4,536	20	907 20
Beef and pork	8,879	296	20	59 20
Soda ash, or barilla	480	31	10	3 10
Sulphate of barytes	233,600	323	20	64 60
Manufactures of tobacco	340	90	40	36 00
Rags of all kinds	186,210	3,613	5	180 65
Salt.....bushels....	123,119	11,684	20	2,336 80
Coal.....tons	87,036	161,100	30	48,330 00
Breadstuffs—				
Barley.....bushels....	18,194	8,793	20	1,758 60
Oats	225,096	50,130	20	10,026 00
Wheat flour.....cwt	10	30	20	6 00
Oatmeal	189	400	20	80 00
Potatoes.....bushels....	267,200	87,978	30	26,393 40
Fish, dried, smoked, or pickled—				
dried or smoked.....cwt	49,127	54,600	20	10,920 00
salmon.....barrels....	7,267	91,239	20	18,247 80
Fish, dried, smoked, &c.—				
Mackerel..barrels....	76,262	318,199	20	63,639 80
Herring and shad	23,869	59,658	20	11,931 60
All other	15,218	53,015	20	10,603 00
Merchandise not enumerated above—				
At 5 per cent		37,629	5	1,881 45
10 per cent		10,370	10	1,037 00
15 per cent		1,786	15	267 90
20 per cent		181,638	20	36,327 60
25 per cent		117	25	29 25
30 per cent		15,618	30	4,685 40
40 per cent		23	40	9 20
Total		1,319,612		288,534 00

RECAPITULATION.

Free of duty	$218,718
Paying duties	1,301,612
Total	1,520,330
In American vessels	184,534
In foreign vessels	1,335,796
Total	1,520,330

N. SARGENT, *Register.*

TREASURY DEPARTMENT,
Register's Office, February 9, 1853.

G.

Extract from the report of I. D. Andrews, Esq., to the Secretary of the Treasury, dated August 19, 1852, relative to the navigation of the river St. John and its lumber trade.

The free navigation of the St. John, from its mouth, at the harbor of St. John, in the Bay of Fundy, to its source, at the Metjarmette portage, in the highlands which separate Maine and Canada, the length of the river is four hundred and fifty miles.

From the sea to the Grand Falls, the distance, as before mentioned, is about two hundred and twenty-five miles; up to that point the river runs exclusively within British territory. About three miles above the falls, the due north line from the monument at the source of the St. Croix strikes the river St. John. From thence the boundary between Maine and New Brunswick is found in the middle channel, or deepest water of the river, up to the St. Francis, a distance of seventy-five miles. In this distance the right bank of the St. John is within the State of Maine, and the left bank in the province of New Brunswick.

From the mouth of the St. Francis to a point on the southwest branch of the St. John, where the line run under the treaty of Washington intersects that branch, the distance is one hundred and twelve miles; and for that entire distance the river St. John is wholly within the State of Maine.

From the point just mentioned to the monument at the source of the river on the Metjarmette portage, the distance is about thirty-eight miles. The right bank of the river only is in Maine, the left bank being within the province of Canada.

It is therefore apparent that nearly one-half of the extensive river St. John is within the United States, whose citizens thus become greatly interested in its navigation. Besides the main stream of the St. John, there are also large tributaries, some of them wholly, and others partially, within the State of Maine; and it has been estimated that there are one thousand three hundred miles of navigable water in the St. John and its tributaries, to be used in common by British subjects and American citizens.

The territory watered by the St. John and its tributaries comprises nine millions of acres in New Brunswick, about two millions in Canada, and six millions in the United States.

The portion within the United States is covered with timber of the most useful and valuable descriptions.

After the settlement of the boundary by the treaty of Washington, in 1842, it was divided in nearly equal proportions between the States of Maine and Massachusetts, each of which has since sold a number of townships for lumbering purposes, and granted permits for the like object to a large extent.

The whole of the timber and lumber cut within this district (with the exception of a small quantity which is floated down the Penobscot) finds its way to the seaport of St. John. On being shipped from thence, it has been subject to an export duty since the 1st May, 1844, at the following rates: on every forty cubic feet of white-pine timber,

twenty cents; on every forty cubic feet of spruce timber, fifteen cents; and the same on every forty cubic feet of hackmatac, hard-wood timber, masts, or spars; and the sum of twenty cents on every thousand superficial feet of saw-logs, sawed lumber, or scantling.

This export duty is paid by all timber and lumber alike in New Brunswick, and in every part of the province. It was imposed in consequence of the difficulty and expense of collecting stumpage in New Brunswick; and in the local act which first passed in that colony all timber and lumber cut by American citizens, within the limits of the United States, and floated down the river St. John, was expressly excepted from its operation. But, upon the opinion of the law officers of the Crown in England, this act did not receive the royal assent, because it was held that such an exception was contrary to the letter and the spirit of the treaty of Washington, which expressly provides by its 3d article "that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries—of which fact reasonable evidence shall, if required, be produced—shall have free access into and through the said river, and its said tributaries having their source within the State of Maine, to and from the seaport at the mouth of the said river St. John, and to and round the falls of said river, either by boats, rafts, or other conveyance;" "*that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of said province.*"

The refusal of the Crown to assent to the colonial act was based upon the principle, that neither the legislature of New Brunswick nor the imperial government had either the right or the power to make any distinction between the produce of the United States floated down the river St. John and the produce of New Brunswick. If it were once conceded that a distinction could be drawn, such distinction could be carried out so as to operate very disadvantageously upon American produce. The British government, in such case, might maintain that such timber and other articles of the United States floated down the St. John were subject to foreign duty on importation into England, while similar articles from New Brunswick were admitted at a nominal duty only.

After this construction of the principle of the treaty, the legislature of New Brunswick passed a second act, rendering all timber and lumber exported from the province alike subject to the export duty; and this act has been in operation since May 1, 1844.

The following is a statement of the quantities of timber and lumber being floated down the river St. John during the present season of 1852:

100,000 tons white-pine timber, at $6 per ton.....	$600,000
10,000 tons hackmatac timber, at $7 per ton	70,000
50,000,000 white-pine logs, at $6 per thousand.....	300,000
20,000,000 spruce logs, at $5 per thousand.....	100,000
5,000,000 pine boards, at $15 per thousand.....	750,000

15,000,000 cedar and pine shingles, at $3 per thousand...	$45,000
5,000,000 pieces clapboard, at $16 per thousand.....	80,000
Total.....	1,945,000

As prices are advancing, the value of the produce of the forest above given may be safely stated at two millions of dollars.

In any agreement for the free navigation of the St. John by citizens of the United States, it should be stipulated that their lumber cut within American territory, and floated down the St. John, should not be subject to export duty if shipped from thence to the United States. Such a stipulation would only be just and fair, and would relieve our citizens from the payment into the treasury of New Brunswick of the large sums they now contribute annually towards the support of the government of that colony.

All the timber which floats down the St. John is collected in one boom. Each piece is clearly and distinctly marked, and can be immediately recognised by its owner: if not so marked, it is forfeited to the Boom Company. Crown officers are appointed to examine the whole of the timber which comes down the St. John, and that which is cut within the limits of the United States is readily recognised by them. There could, therefore, be no difficulty in identifying such timber and lumber when shipped, and in relieving it from export duty, if an agreement to that effect should be entered into between the respective governments.

The St. John is navigable by large steamers and by sea-going vessels, of 120 tons, up to Fredericton, which is eighty miles from the Bay of Fundy. In 1848 Fredericton was created a port of entry, and in 1851 two vessels entered there from Boston. It is stated that not less than fifty thousand passengers were transported between St. John and Fredericton by steamers in 1851.

Above Fredericton the river is navigable for small steamers to Woodstock, a distance of sixty-five miles, and from thence to Grand Falls, about seventy-five miles farther up. The river is also occasionally navigated by small steamers during the season.

H.

Message from the President of the United States, relative to the reciprocal admission of the natural products of the United States and Canada free of duty.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives copies of a correspondence between the Department of State and the British legation in this city, relative to the reciprocal admission of the natural products of the United States and Canada, free of duty, into the territories of both countries. It will be seen, by the accompanying documents, that the late Secretary of the Treasury recommended, in his correspondence

with the Committee on Commerce in the House of Representatives, reciprocal free trade in the natural products of the United States and Canada; that, in March and June, 1849, a correspondence was opened between the British chargé d'affaires then residing in Washington and the Secretary of State, upon the subject of a commercial convention or treaty to carry out the views of her Majesty's government in relation thereto, and that the proposition for such a convention or treaty was declined on the part of the American government for reasons which are fully set forth in the note of the Secretary of State to Mr. Crampton of the 26th of June last. During the negotiations connected with this correspondence, not considering the markets of Canada as an equivalent for those of the United States, I directed the Secretary of State to inquire what other benefits of trade and commerce would be yielded by the British authorities in connexion with such a measure; and, particularly, whether the free navigation of the St. Lawrence would be conceded to us. That subject has accordingly been presented to the British government, and the result was communicated by her Majesty's minister in Washington on the 27th of March last, in reply to a note from the Secretary of State of the 26th of that month. From these papers it will be perceived that the navigation of the St. Lawrence, and of the canals connecting it with the western lakes, will be opened to the citizens of the United States, in the event that the bill referred to in the correspondence, providing for the admission of their natural products, should become a law. The whole subject is now submitted to the consideration of Congress, and especially whether the concession proposed by Great Britain is an equivalent for the reciprocity desired by her.

Z. TAYLOR.

WASHINGTON, *May* 7, 1850.

List of accompanying papers.

Mr. Crampton to Mr. Clayton, dated March 22, 1849.
Memorandum by Mr. Crampton.
Mr. Crampton to Mr. Clayton, (four enclosures,) dated June 25, 1849.
Mr. Clayton to Mr. Crampton, dated June 26, 1849.
Mr. McLane to Mr. Clayton, (one enclosure,) dated March 15, 1850.
Mr. Clayton to Sir H. L. Bulwer, dated March 26, 1850.
Sir H. L. Bulwer to Mr. Clayton, dated March 27, 1850.
Mr. Clayton to Mr. McLane, dated April 1, 1850.

Mr. Crampton to Mr. Clayton.

WASHINGTON, *March* 22, 1849.

SIR: On the 12th of May, 1846, an address was voted by the Canadian Parliament to her Majesty the Queen, praying that, in the event of a change being made in the law regulating the admission of foreign grain into the British markets, due regard should be had to the interests of Canada; and, as a measure which would be greatly conducive to this object, her Majesty was respectfully requested to cause the necessary steps to be taken for opening a negotiation with the government of the United States for the admission of the products of Canada into their ports on the same terms that theirs are admitted into the ports of Great Britain and that colony.

To this request her Majesty was pleased to accede, and the governor-general of Canada was accordingly instructed by her Majesty's principal secretary of state for the colonies, in a despatch dated June 3, 1846, to assure the legislative assembly that her Majesty would readily cause directions to be given to her Majesty's minister at Washington to avail himself of the earliest suitable opportunity to press the important subject of the establishment of an equality of trade between the dominions of the republic and British North America on the notice of the United States government; and that "it would afford her Majesty the most sincere satisfaction if any communication which might hereafter be held for this purpose should have the effect which is desired by her faithful commons of Canada."

An instruction to this effect was, in consequence, immediately addressed by her Majesty's government to Mr. Pakenham, her Majesty's minister at Washington, directing him to bring this subject under the serious consideration of the government of the United States, whenever he might consider the time to be favorable for pressing on their attention a subject believed by her Majesty's government to be of deep interest and importance both to Canada and the United States.

As an important measure of a general nature in relation to the tariff was pending in the Congress of the United States at the time Mr. Pakenham received the above instruction, he availed himself of the discretion which it allowed to him as to the time of acting upon it to defer bringing forward the proposition of her Majesty's government until the result of the deliberations of the United States legislature on the question of the tariff should be known.

In the month of December, 1846, accordingly, he made a communication on the subject to the United States Secretary of the Treasury, who immediately submitted the matter to the consideration of the government. In the early part of 1848, I had myself the honor of communicating with Mr. Walker upon the subject, and I learned with satisfaction that the views of the United States government were highly favorable to the principle of a reciprocal relaxation of commercial restrictions between Canada and the United States. As the speediest way of bringing about so desirable an object, it was, upon consultation, judged most expedient to introduce into Congress a bill by which the duties on certain agricultural and natural products imported into the United States from Canada should be abolished, conditionally, under

the understanding that a bill exactly similar in its provisions should be introduced into the Canadian Parliament respecting the like agricultural and natural productions imported into that province from the United States.

This bill was accordingly drawn up by a distinguished member of the Committee on Commerce of the House of Representatives—Mr. Grinnell—and its adoption very strongly recommended by the Secretary of the Treasury, in a letter to that committee, dated 1st of May, 1848. The bill was passed without opposition by the House of Representatives, during the first session of the last Congress; but was, from the great pressure of other business, not voted upon during that session by the Senate; and, during the session of the same Congress lately brought to a close, has, from the same cause, I regret to observe, been lost in that body.

I have thus at some length recounted the steps which have been hitherto taken in this matter by her Majesty's legation, in order to place in a clearer light my motives for taking this early opportunity of again submitting this important question to the serious consideration of the United States government.

The proceedings of Congress in this matter have been watched with anxiety by the provincial government and the people of Canada, and a great deal of disappointment has, I am assured, been felt in that province on their being apprized that the act for a reciprocity of trade has, from whatever cause, failed to become law. I cannot, therefore, but feel anxious to assure her Majesty's government that the disposition of the government of the United States to meet the proposed measure of commercial relaxation in a spirit of liberal reciprocity remains unchanged.

The Canadian legislature are not, indeed, without reasonable grounds for expecting to be met in such a spirit by the United States; for, confidently relying upon the proofs so frequently given by the United States government that a just reciprocity is the guiding principle of their policy in commercial arrangements with other nations, the Canadian Parliament have already, on their side, and without stipulating for any equivalent, made very important advances towards a more liberal system of commercial intercourse. I allude to the act of the Provincial Parliament of 1847, by which, immediately availing themselves of the power conferred upon them by the imperial government (by the act of the British Parliament called the "British possessions act") to regulate duties on the products both of foreign nations and of the mother country, the duties on American manufactures were lowered from 12½ to 7½ per cent., while those on British manufactures were raised from 5 to 7½ per cent., thus placing the United States entirely upon a par with the mother country in this important particular.

That the feeling of disappointment to which I have alluded, and the impression that there is now no hope of placing their commercial relations with the United States on a more satisfactory and mutually advantageous footing, should have the effect of causing the Canadian legislature to retrace their steps in the liberal course which they evidently wish to pursue with regard to the commercial relations of the province with the United States, would assuredly be a subject of great

regret to her Majesty's government. It could not, therefore, but be satisfactory for them to learn that the favorable consideration of the government of the United States will now be given to this subject, with a view to the negotiation of such a treaty as would secure the proposed objects, should that appear to be a course likely to insure their speedy attainment.

I am the more desirous at the present moment of ascertaining the disposition of the United States government with regard to this matter, from having lately received an instruction from her Majesty's government directing me, with the concurrence of the lieutenant governor of New Brunswick, to negotiate with the government of the United States a convention, upon the principle of reciprocity, extending to that province also advantages similar to those proposed by the contemplated measure as regards Canada; and I am, consequently, already in communication with his excellency Sir Edmund Head upon this subject.

It is, of course, on grounds of the interest of Canada and New Brunswick that her Majesty's government urge this measure. It is both the duty of her Majesty's government to look to those interests in the first place, and it would also be absurd to pretend that that consideration is not their governing motive. But there can be little doubt that the measure of relaxation desired by the British North American colonies on their own account would be almost, if not quite, equally advantageous to the United States, as establishing a free and unrestricted intercourse between them and the countries in question, and thereby affording a much more extended demand for United States produce than the Canadas or New Brunswick, in their present restricted power of mutual exchange, are enabled to sustain.

I am unwilling, on the present occasion, to enter into unnecessary detail; but I think that I can confidently appeal to the custom-house reports, both of the United States and Canada, to show that the exports from the United States to Canada already much exceed the imports from that province, leaving a heavy balance of trade against the latter—a state of things which, if not remedied, must clearly tend to diminish, and not to increase, the profitable commercial transactions between the two countries. That a more extended use of the canals of the United States by the Canadian dealer in grain would take place on the removal of the present inconvenient custom-house formalities, cannot, I believe, be doubted. That the present state of the respective tariffs is one which raises very vexatious and harassing impediments to the local trade in agricultural produce along a very extended frontier, and encourages the demoralizing practice of smuggling, is not to be denied; and that the removal of such restrictions would tend to promote a friendly feeling between the inhabitants of the repective frontiers—and this is an object, it is not doubted, very desirable to both governments—cannot reasonably be questioned.

Without, therefore, adverting to other measures of great importance to the trade and navigation of both countries, which, should the present proposition meet with the concurrence of the United States government, it is confidently expected may be brought to bear, I venture to

submit the above statement to the just and favorable consideration of the government of the United States.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Memorandum by Mr. Crampton.

It has been objected that, if certain agricultural articles, (more particularly wheat,) the productions of Canada, were to be admitted free of duty into the United States, under a convention with the British government for a reciprocal free trade between that province and the United States in such productions, the like productions of other nations having "reciprocity treaties" of commerce with the United States must be admitted on the same terms.

To this it may be replied, that no other nation could claim for itself an advantage, under a convention between Great Britain and the United States, which Great Britain herself had not obtained under that convention. Had any other nation a colony similarly situated, she might then be borne out in claiming that such colony should be equally favored; otherwise not.

A precedent has already been established which involves this principle, and makes a distinction between an inland colony and an independent state. An act passed in the British Parliament in 1825 (the 6th George IV, chapter 114, clause 32) enacts that the same tonnage duties shall be paid on American vessels importing goods into either province of Canada, by the inland waters, as are, or may be for the time being, payable in the United States on British vessels. In the year 1831, the government of the United States passed an act, entitled "An act to regulate foreign trade on the northeast and northwest boundary," (chapter 98, March, 1831,) remitting all fees on British vessels entering their ports on that boundary; consequently, up to the present moment, no fees are exacted there on either side, whereas they still exist in the Atlantic ports on all foreign vessels.

Mr. Crampton to Mr. Clayton.

WASHINGTON, *June* 25, 1849.

SIR: In the official note which I had the honor of addressing to you on the 22d of March last, I alluded to the feeling of anxiety which existed on the part of the governments and the people of Canada and New Brunswick with regard to the disposition of the American government to enter into such an arrangement with her Majesty's government as would insure a fair reciprocity of trade in the natural productions of those provinces with the United States.

Circumstances, both local and regarding the still further changes now mminent in the commercial policy of the mother country, have since

that time tended very much to increase that anxiety. The governments of those colonies are, indeed, now called upon to determine upon the adoption of one or the other of the only two courses which are open to them for placing the commercial interests of the provinces intrusted to their charge, and which are already in a depressed state, upon such a footing as may enable them to arrest the downward progress of their trade, and to recover for it that fair position, with regard to the markets both of the mother country and of the rest of the world, from which peculiar circumstances seem, for the present, to have excluded it.

The solution of this question in the manner most consonant with the spirit of free intercourse, but governed in its application by the principle of a just and liberal reciprocity, will, it is confidently believed, essentially depend upon the determination taken by the United States government on the present question.

It is under this conviction that the governor general of Canada has now requested one of the chief officers of the provincial executive to repair to Washington, for the sole purpose of ascertaining their decision; and it is with a view of removing every motive which an imperfect knowledge of the facts bearing upon the case might suggest for doubt or for delay in regard to it, that the gentleman in question, the Hon. William Hamilton Merritt, has drawn up the detailed "memorandum" which I have the honor to enclose herewith.

The reasoning contained in this "memorandum," with respect to Canada, does not apply less forcibly to the position of New Brunswick; and the important increase of commercial activity in the dealings between the people of the British North American colonies and of the United States, which Mr. Merritt contends must result from the measure now proposed, as well as from those which the passage of the British navigation act, now believed to be assured, will enable those colonies to carry into effect in their commercial relations with their American neighbors, will not, I feel fully assured, be regarded the less favorably by the present enlightened government of the United States, from the fact, which I take to be indubitable, that such an increase of mutually profitable transactions must necessarily be accompanied by a corresponding development of the most friendly feelings between the inhabitants on both sides of our borders.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Memorandum.

Mr. Merritt was requested by his excellency the governor general of Canada to urge Mr. Crampton, her Majesty's chargé d'affaires, to bring under the consideration of the cabinet of the United States the present state of the commercial relations between Canada and the United States, with the view of obtaining a statement of their views upon the subject.

At an interview with the United States Secretary of State, he suggested that a memorandum, entering fully into detail, should be drawn up, to which an immediate reply would be made. Consequently, Mr. Merritt has prepared a brief narrative of the proceedings heretofore had, a statement of the present position of the question, and of the mutual advantages which a satisfactory solution of it would confer.

Formerly, the productions of Canada were admitted into the markets of Great Britain under a differential duty against the foreign article. The manufactures of Great Britain were admitted into the markets of Canada under similar duties in favor of the British manufacturer.

In 1845, the government of Great Britain changed their colonial commercial policy; and in 1849, all discriminating duties on breadstuffs were removed.

In 1846, the provincial legislature of Canada addressed the government of Great Britain, moving them to negotiate with the government of the United States to admit the productions of Canada into their markets on equal terms. As the progress of that negotiation was fully recounted in Mr. Crampton's official note to the United States Secretary of State, dated the 22d March last, it is unnecessary to refer to it here.

The *present position* of the commercial relations between the United States and Canada remains unaltered. Legislation in the United States has failed to produce any result; and the feeling produced in Canada by such failure may be better understood by referring to an address to the Queen, of which the honorable William Robinson gave notice in the provincial Parliament in May last, and to the amendment thereto. The first prays for a return to protection; the amendment, to obtain reciprocity from the United States. This is the point, and the only one, upon which a discussion can be useful; it is therefore desirable that it should be fully understood.

The enclosed copies of Mr. Grinnell's letter of the 28th of April, 1848, (1,) and the reply thereto of the honorable R. J. Walker, of the 1st of May of the same year, (2,) will place the present cabinet in possession of the views entertained by their predecessors; and the reciprocity bill (3) passed during last session by the Canadian Parliament, being an exact counterpart of the bill then before the Senate of the United States, will afford the strongest assurance that the provincial legislature has adopted every measure to carry out this principle in good faith. Perhaps in no country have greater changes or greater concessions been made. In 1847, the legislature increased the duties on the manufactures of the mother country in the manner stated in Mr. Crampton's above-mentioned note—that is to say, full fifty per cent.—and at the same time reduced the duties on American manufactures double that amount; and in order to remove all apprehension from the mind of the most rigid protectionist, not a single article enumerated in the above bill can be brought into competition with the manufacturing or any other existing interest in the United States.

It has been suggested that the same principle should be extended to the manufactures of the United States and Canada. To this Canada could have no objection: on the contrary, we feel persuaded it would be to our advantage; but it was considered unwise even to propose it, because American manufacturers would feel apprehensive that British

fabrics might be introduced by this means through Canada into the United States, at duties considerably lower than those imposed by the present American tariff. This was the only reason for not proposing that extension; if desirable, it can be obtained at any future time.

The only objection urged against the practical operation of this bill, was on the ground that Canadian wheat would come into competition with that grown in the middle or Altantic States of the Union, and consequently lessen its value. As both the United States and Canada grow a surplus of grain for exportation, which appears to be steadily advancing, whether the prices are high or low, (see the returns for the present year,) it is difficult to conceive how prices can, under such circumstances, be governed by any other rule than the value of the article in the foreign market where consumed.

The imports from Canada since 1847 have in no instance affected the market in New York. The consumer does not obtain a reduction of prices; the duty is paid by the grower, as shown by the comparative prices on each side of the boundary, which have averaged in proportion to the amount of the duty exacted.

It appears, however, from the official returns, (see the speech of Mr. Dix in the United States Senate, on the 23d of January last, No. 4,) that the grain exported from the United States into Canada exceeds in quantity that imported by the United States from that province. The geographical position of that country would indeed warrant that inference, without a reference to statistic reports.

There is not a sufficient quantity of winter wheat grown north of Lake Ontario to supply the consumption of the colony. The peninsulas of Niagara and Erie are the only good producing portions of the province, and, from their limited extent, it is improbable that Canada can ever export any considerable quantity even of wheat.

The mutual advantages both countries would derive from these exchanges may be readily understood in one single sentence.

Assuming the St. Lawrence to be the cheapest route from the great western country to Europe for their exports, during a certain portion of the season, by whatever amount the cost of transportation is reduced on a single bushel of wheat, such an amount will be put into the pocket of the grower. This extends to every farmer within its influence in the same proportion, and draws so much wheat from competition with the farmer of the middle Atlantic States; therefore if that competition had, as some erroneously suppose, a tendency to lessen prices, it would benefit the farmer there also.

During other portions of the year, the Erie and Oswego canals and various railroads will be the best and only routes to those Atlantic cities where stocks can be held with safety to supply a foreign demand through the winter season; during this time, the grower in Canada will be benefited.

In a word, it would insure to farmers on both sides of the boundary all the natural advantages both routes possess, and at all times, and for everything they grow, the highest prices, whether in Europe or America.

Our farmers cannot comprehend upon what principle their productions are charged with a duty of twenty per cent. when admitted into the markets of the United States, while similar productions, the growth

of the United States, are admitted into Great Britain *free*. The one country has thus all the advantages of *two markets*—the one in Europe and the other in America—while the other is confined to the *one*. This, as a natural and inevitable consequence, produces inequality of prices, and cannot be continued.

The changes adopted by Great Britain in a long-established policy have already produced the greatest advantages to the commerce of the United States, without having produced any similar advantage to that of her own colonial subjects, although these are placed in a position in all respects so similar to the former. This result, so unexpected and so injurious to their interests, will be found to arise entirely from the maintenance by the United States of a duty upon the wheat of Canada of one-fifth of its value, when consumed in the American market. The government and the people of Canada have relied with confidence on the removal of this duty by the government of the United States; and they are, up to the present moment, at a loss to understand what has prevented the application in this instance of a principle just in itself, and which numerous instances have taught them to believe to be the guiding maxim of the commercial policy of the United States, viz: a just reciprocity. Great Britain, in throwing open her market to the breadstuffs of the United States, stipulated for no equivalent for this great step in the establishment of commercial freedom, the advantages of which to the American producer it would be difficult to over-estimate.

But would not Great Britain have been fully justified in expecting to be met by the United States, not by an equivalent, (for the concession now sought for must, from the great disproportion of the producing power of Canada to that of the United States, fall far short of an equivalent,) but, at the least, by a corresponding step, taken in the spirit of a fair reciprocity, by the admission of her Canadian subjects to the grain markets of the United States on equal terms? Could she now do less, were this fairly represented to her by her Canadian subjects, than to adjust the inequality under which they now labor in those markets, by granting to them a preference in her own, as an equivalent for the reciprocity withheld by the United States? It is, indeed, difficult to conceive on what just principle she could resist such an appeal on the part of Canada—the more so, that it can admit of little doubt that the British consumer would in no way be a loser by the arrangement. Its only effect would be to force the breadstuffs of the United States through the commercial channels of Canada, in preference to her own. American breadstuffs would, it is true, still find their way to Great Britain free of duty; but it would be by the St. Lawrence, and not by the canals and railroads of the United States. This change would place the corn-grower in the United States in precisely the same situation as the corn-grower now in Canada: if he ships corn to Great Britain, the duty will be paid by the producer. This advantage conferred on Canada, by a re-enactment of a discriminating duty in favor of her grain in markets of the mother country, would naturally lead to the re-enactment of a discriminating duty in favor of the manufactures of the latter in the markets of the colony, which could only be effected

by a recurrence to the former high duties on the manufactures of the United States in that market.

The provincial government are also willing to extend the principle of reciprocity to American vessels within their boundaries, as well as to their natural productions. This would open the free use of the St. Lawrence, as well as the interior coasting trade.

Under the provisions of the British navigation bill, which it is presumed has ere this time become law, the provincial legislature has the power, with the assent of the Queen in council, to regulate their own coasting trade. Therefore, any act passed by the provincial legislature will not require the sanction of the imperial Parliament. This power, however, does not in any manner interfere with the Atlantic coasting trade; still it is highly important, as it will materially facilitate and increase the commerce between the United States and Canada, as well as between the inland and Atlantic ports of the United States.

The measure at present contemplated by the provincial government of Canada is, to permit an American vessel to take a cargo from any inland port, either in the United States or Canada, through their ship canals, to any other inland port, to Quebec, or any seaport in the United States or Europe, and *vice versa*. The imperial act permits the same vessel to extend her voyage from Quebec to London, on the condition that any British vessel may take a cargo from one inland port to another, and then to an Atlantic port, and *vice versa*.

The distinction between this inland and the Atlantic coasting trade is obvious: it permits a vessel to coast on the lakes, rivers, and canals on the inland waters south of *forty-five* degrees of latitude, the boundary between the United States and Canada; also, to convey a cargo from any inland port or ports south of forty-five degrees to any seaport on the Atlantic, but not to coast from one Atlantic port to another Atlantic port.

The advantages of this change may be better understood by contrasting the practical operation of the existing restrictions with their removal. At present, if an American vessel were passing through the Welland canal, and required part of a cargo to fill up or trim the vessel, and could afford to take flour at a profit to the vessel at one-half the price to Kingston or Montreal, it cannot be done; the flour must be detained for a British vessel, and pay full prices. The time thus lost and the additional price paid are deducted from the producer, without any corresponding advantage to any existing interest; whereas the proposed change will allow the grain merchant or miller to ship in any vessel first offering, at the lowest price, and to any port he pleases. Every vessel-owner engaged in forwarding that I have met in the United States heartily concurs in the measure, as well as the producer.

It will be observed that Great Britain does not receive a corresponding equivalent for the concessions thus proposed, inasmuch as the St. Lawrence is not open to American vessels. Under this arrangement, no direct equivalent is sought for, although, when the subject is examined, and the extent of the trade south of forty-five degrees understood, the opening of it with Atlantic ports to American vessels is a boon of great magnitude. Few can estimate the extent of trade which will grow out of it.

Again: the coasting trade between Quebec and England from one Atlantic port to another is opened to American vessels, although no similar coasting trade between one Atlantic port and another within the jurisdiction of the United States is opened to British vessels. This is a concession on the part of the British government, when the magnitude of the timber trade is considered, of no ordinary advantage to the United States; it is not yet understood, and therefore not appreciated.

The coasting trade in the interior, and opening the Canadian canals, are alluded to, to bring under the view of the American government a comprehensive system, all bearing on their internal trade, and all showing the facilities and advantages offered. It is unnecessary to point out the extent and profit of this trade, which are referred to in the able remarks of Mr. Walker and Mr. Dix, herewith enclosed.

The value of extending the trade of the United States on this principle early engaged the attention of her statesmen. The expenses of the government of every new territory are sustained by the general government until they become States, without any other consideration or equivalent than the benefit of the trade they create. This benefit, embracing the trade of Canada, extending many hundred miles on your immediate borders, the British and provincial governments are willing to confer without any expense on the part of the United States. Canada will supply her own government, and exact no other condition than reciprocity in the exchange of her natural productions.

An objection was at an early stage of this negotiation started respecting its operation on the existing treaty stipulations with other powers. In a letter dated the 27th April, 1841, I had the honor to call the attention of the Hon. Robert J. Walker to this subject thus: "A marked distinction has been drawn by your predecessors between an inland colony and an independent State—between an *inland trade* on your own immediate border, in which this country alone is interested, and a foreign trade which may affect all nations. The precedent to which your attention is directed is the 32d clause of the 6th George IV, chap. 114, passed in 1825, which enacts that the same tonnage duties shall be paid on American vessels importing goods into either province of Canada as are, or may be, for the time being, payable on British vessels in the United States. During the session of Congress of 1831, the American government passed an act to regulate foreign trade on the northeast and northwest boundary, under which all fees and customs charges were removed between the two countries. The change effected by this prompt act of reciprocity on the part of the United States may be inferred from an extract of a letter from the collector of Oswego, complaining that the steamer 'United States' was charged in Kingston, Canada, two dollars for a permit to land a box, the freight on which amounted to twenty-five cents. This freedom from charges is confined to that border; yet no complaint was ever made by any other government. Unnecessary restrictions still exist on the trade of those very borders, the removal of which is now sought. It can affect no other government or interest except the United States and Canada."

Having set forth, in a spirit which, it is hoped, cannot fail to win the confidence of the American government, the mutual advantages which

the reciprocal exchange of the natural productions of the United States and Canada would confer on both countries, and the earnest desire which has at all times animated the provincial government to attain it, it would be unjust to withhold or conceal the policy which that government will be compelled to adopt in case they are not met with a similar disposition on the part of the government of the United States.

A large party in England are in favor of returning to the protective policy, also in Canada, under any circumstances, although the latter would rest satisfied with reciprocity in the markets of the United States.

The provincial government will be compelled to move the government of Great Britain to obtain for the colony reciprocity, or an equivalent therefor, to raise the price of products in Canada to at least an equality with the prices which similar articles command in the United States. The only method in their power is to place the same duty on the products of the United States shipped from an Atlantic port direct to Britain as the government of the United States impose on those of their colony when admitted into their markets.

The objections to this policy are not overlooked; they have been well considered by the provincial government: and, although it would, if adopted, bring about an immediate change in their favor, it would be neither as natural nor as permanent an arrangement as reciprocity, inasmuch as it would at times deprive the western grower of the benefit of the St. Lawrence, and the Canadian grower of the benefit of the canals and railroads to an open Atlantic port—each possessing, as before mentioned, at certain seasons, peculiar natural advantages, of which, by impolitic and unnecessary legislation, the inhabitants of each country will be deprived. It must, therefore, be considered an act to be resorted to as a matter of necessity, and on no other ground than a refusal on the part of the United States government to extend to Canada advantages similar to those which the United States have obtained from Great Britain. Many reasons could be adduced in support of the proposed measure, but it is not imagined that any disposition can be entertained to withhold it.

If the American government will adopt the principle of reciprocity of trade in natural productions with Canada, by the conclusion of a convention with the British government embracing the provisions of the above-mentioned bill, although such convention could not come into practical operation until the assent of the Senate of the United States should be obtained, nevertheless, the sanction which could thus be given to the principle of the arrangement by the executive power would set the matter at rest, and the provincial government would rest satisfied that no further action will be required.

No. 1.

HOUSE OF REPS., COMMITTEE ON COMMERCE,
April 28, 1848.

SIR: I have the honor to hand you herewith two memorials, numerously signed by highly respectable citizens of New York, and a resolu-

tion of the House, proposing to allow articles the growth or production of Canada to be admitted into the United States free of duty, upon the condition that similar articles, the growth or production of the United States, shall be admitted into Canada free of duty.

The committee have had this subject under consideration, and view the proposition favorably, believing that, if carried into effect, it will prove mutually advantageous. They have instructed me to ask your views on the matter, and particularly whether any difficulties may arise with any nations from our treaties if we adopt by law this proposition.

I enclose a bill which I have draughted for this purpose, and will thank you to suggest any amendments that you may think proper.

With great respect, &c., your obedient servant,

JOS. GRINNELL.

Hon. R. J. WALKER, *Secretary of the Treasury.*

No. 2.

TREASURY DEPARTMENT, *May* 1, 1848.

SIR: Your communication of the 28th ultimo, together with the accompanying bill, has been received; and, in compliance with your request, this department will give its views upon the very interesting and important subject involved in your inquiries.

The bill proposes absolute and reciprocal free trade between the Canadas and the United States in the following articles of the natural production of either country, namely: "Grain and breadstuffs of all kinds, animals, hides, wool, tallow, horns, salted and fresh meats, ores of all kinds of metals, timber, wood, and lumber of all kinds." This department has heretofore expressed its opinion in favor of absolute and reciprocal free trade between the Canadas and the United States in all articles of the growth, produce, or manufacture of either country. The articles, however, named in the bill, embrace the principal products, and great advantages would accrue to Canada and the United States from the adoption of this measure. The proposed free trade with the Canadas in these articles does not involve the disputed question of protection, if indeed that may still be considered by some as a controverted question. None of the articles in Canada contained in the bill could come into injurious competition with similar articles produced in the United States. Very great advantages would accrue to the United States, and especially to New York, New Jersey, northwestern Pennsylvania, and the New England States, and to Jersey City, New York, Brooklyn, and Boston, as well as the States of the northwest, and all others that ship any of their products from any of the ports on the lakes, whether brought into those ports by wagons, railroads, rivers, or canals. The tolls of our railroads and canals would be increased, and the business of our lake and other ports augmented, and especially in the ports of Boston, New York, Brooklyn, and Jersey City. The trade with the Canadas would be greatly increased. Indeed nearly all the articles specified in the bill exported from the greater part of Canada to foreign countries would be brought through our ports, and the im-

ports to Canada from all the world would soon nearly all be carried through the same channel; whilst our own manufactures, to complete cargoes and assortments, would often be purchased for consumption in Canada to a far greater extent than under the present system. Indeed, under such a system, as the products of Canada might increase from time to time, nearly the whole surplus exported abroad would be carried upon our rivers, railroads, and canals—upon our cars, boats, and vessels—stored, and sold, and shipped from our cities—greatly improving our commerce and navigation, increasing our tonnage, and invigorating nearly every branch of American industry.

As regards that branch of your inquiry relating to treaties with foreign powers, there are none such as would interpose any obstacle to the adoption of the bill submitted by you for my consideration. Were it conceded that the adoption of this measure in regard to Canada, *a colony of Great Britain*, by reciprocal legislation, would render it necessary that we should grant the same privileges on the same terms to several other nations, or to their colonies, during the periods embraced in certain treaties with them, the advantages of such reciprocal introduction of these articles free of duty, by similar reciprocal enactments with such countries or colonies, would in all such cases prove highly advantageous to the United States; and indeed the law, in similar phraseology, might be safely and advantageously extended, if the committee thought proper, so as to embrace in similar reciprocal enactments, as to all these articles, on the same terms, all the nations of the world. With Great Britain or any of her other colonies there could of course be no difficulty, inasmuch as the bill now proposed and limited would go into operation with the consent of the British government.

In conclusion, this department would beg leave, most respectfully, to recommend the immediate adoption of the measure, as proposed by the committee, so as to enable our merchants, traders, and navigators, and other industrious citizens, as well as States and companies, interested in our railroads and canals, to avail themselves of the many benefits that would be derived from the practical operation of this measure during the present season of navigation, and so as to embrace a large portion of the spring trade.

The Secretary of the Treasury concurs in these views.

With great respect, I have the honor to be your obedient servant,

McC. YOUNG,
Acting Secretary of the Treasury.

Hon. JOSEPH GRINNELL,
Committee on Commerce, House of Representatives.

P. S.—The papers transmitted with your communication are here with returned.

No. 3.

AN ACT to provide for the free admission of certain articles of the growth or production of the United States of America into Canada, whenever similar articles the growth and production of Canada shall be admitted without duty into the said States.

Whereas a bill has been introduced into the Congress of the United States of America having for its object the removal of the duties now levied on the articles enumerated in the schedule to this act annexed, being of the growth and production of Canada, whenever and so long as similar articles, being of the growth and production of the United States, shall be admitted into Canada free of duty; and whereas it is desirable to meet this proposition on the part of the United States by a corresponding action on the part of this province:

Be it therefore enacted, &c., That whenever, under any law of the United States of America, heretofore passed or hereafter to be passed, the articles enumerated in the schedule to this act annexed, being the growth or production of this province, shall be admitted free of duty into the said United States of America, then similar articles, being the growth or production of the said United States, shall be admitted into this province free of duty, when imported direct from the said United States.

Sec. 2. *And be it enacted*, That this act shall come into full force and effect upon, from, and after, and not before, such day as shall be appointed for that purpose in any proclamation, to be issued by the governor in council, proclaiming her Majesty's assent to this act, by and with the advice of her privy council, and appointing the day upon, from, and after which this act shall come into full force and effect.

Schedule.

Grain and breadstuffs of all kinds, vegetables, fruits, seeds, animals, hides, wool, butter, cheese, tallow, horns, salted and fresh meats, ores of all kinds of metals, ashes, timber, staves, wood, and lumber of all kinds.

Department of State,
Washington, June 26, 1849.

Sir: I have the honor to acknowledge the receipt of your note of yesterday, accompanied by the "memorandum," therewith enclosed, of the Hon. William Hamilton Merritt, one of the chief officers of the provincial executive of Canada, and agent of the governor-general of that province, the avowed objects of which are to ascertain the disposition of the American government to enter into such an arrangement with her Majesty's government as would insure a fair reciprocity of trade in the natural productions of the provinces of Canada and New Brunswick with the United States.

The arrangement proposed by her Majesty's government in the note and memorandum referred to, can only be carried out on the part of

the United States by one of two modes, viz: first, by a law enacted by the Congress of the United States; or, secondly, by a treaty or commercial convention made by the Executive, by and with the advice and consent of two-thirds of the members of the Senate of the United States.

To the first of these modes there is, and can be, no constitutional objection, if the Congress of the United States shall be of the opinion that "grain and breadstuffs of all kinds, vegetables, fruits, seeds, animals, hides, wool, butter, cheese, tallow, horns, salted and fresh meats, ores of all kinds of metals, ashes, timber, staves, wood, and lumber of all kinds," being the articles enumerated in the schedule of the bill which passed the Canadian Parliament, shall be admitted free of duty into the United States, on condition that similar articles should be admitted into Canada duty free, when imported direct from the United States. It is not my purpose for the present to enter into any discussion of the expediency of such a law. The President has instructed me to say that this measure involves one of those questions of domestic policy which are properly referable to the decision of Congress, in which all legislative power is expressly vested by the constitution. To that tribunal the President will cheerfully submit the note and memorandum, the receipt of which I have acknowledged, and he will abide the decision it may render upon all the propositions contained in them.

But the principal question to which the President's attention has been invited by these propositions is as to the propriety of settling them by treaty or commercial convention. When Mr. Bancroft, our minister in England, proposed to the British ministry to proceed to negotiate on the subjects of trade and navigation between the two countries by a convention, they agreed to it only with the express understanding "that the negotiation with the United States should go forward, step by step, with the progress of the British navigation bill in Parliament." In the note of Lord Palmerston to Mr. Bancroft of the 17th of November, 1847, his lordship, in behalf of her Majesty's ministers, uses the following language in reference to the subject of a treaty or commercial convention, which it was at that time intended should include, among other things, the reciprocal exchange of agricultural products between Canada and the United States: "We do not, however," says his lordship, "think that we should be justified in advising the Crown to enter into engagements which would be at variance with some of the most important principles of the existing navigation law, *without the previous sanction of Parliament;* but it is our intention to propose to Parliament, without unnecessary delay, measures which would enable us to place our commercial intercourse, in regard to the matters to which your note refers, on the most liberal and comprehensive basis with respect to all countries which shall be willing to act in a corresponding spirit towards us." I think it will be readily acknowledged by the intelligent and able representative of her Majesty near this government, that the American Executive may well imitate the wisdom and caution of Lord Palmerston and his associates of the British ministry, on this important subject. The latter have the power to introduce a bill into Parliament, and to participate in the national

legislation: not so with the American Executive, to which no portion of the legislative power is confided. The President can and will faithfully carry out the views of Congress when he has had an opportunity of ascertaining them; but on a question deeply affecting the whole revenue system of the United States, he cannot undertake to prescribe, though he may recommend, the policy which the representatives of the people, as well as those of the States, should pursue.

Any measure affecting the revenue of the United States should be considered by the representatives of the people in Congress assembled. A tariff made by a treaty, requiring only the consent of the President and Senate, would be liable to objections arising out of the provisions of the federal constitution which no American statesman could safely disregard. A treaty repealing our whole tariff system, so far as regards the articles enumerated in the schedule, though confined in its operation to the British North American possessions, would be not less obnoxious to the same objections. Viewing the question without reference to the effects of the proposed measure on the interests of the agriculturists of the United States and their own home market, and confining himself for the present solely to the question, how the measures proposed by the British government, if desirable by us, could be best attained, the President has no hesitation in deciding that any attempt to carry it out by his intervention, through the medium of a treaty, would be utterly impracticable. The bill to which you have referred as having been introduced into the last Congress, the object of which was identical with the measure now proposed, failed in the Senate of the United States, after considerable debate upon its merits; and many of those who have usually advocated the relaxation of our protective system were found, for special reasons, among the opponents of this measure. It is hardly necessary to observe that a treaty having in view the very objects of that bill, which failed in the Senate, when a bare majority would have been sufficient to carry it, could not be expected to obtain the requisite majority of two-thirds of the members of that body at the next session of Congress.

In conclusion, I would respectfully call your attention to the bill of the Canadian Parliament, to which you refer. It provides "that whenever, *under any law of the United States*, heretofore *passed* or hereafter to be *passed*, the articles enumerated in the schedule to this act annexed, being the growth or production of this province, shall be admitted free of duty into the said United States of America, then similar articles, being the growth or production of the said United States, shall be admitted into this province free of duty, when imported direct from the said United States." It is to be observed, then, that the measure now proposed originated in a legislative act of Canada, inviting a corresponding legislative act of the United States. The preamble of the bill recites the reason for its passage, viz: that a bill of the same character had been introduced into the Congress of the United States, and that it was "desirable to meet this proposition on the part of the United States by a corresponding action on the part of the province." It is palpable, therefore, that a treaty or commercial convention was not in the contemplation of either of the parties which originated, or concurred in originating, that proposition. The mover of the bill which was first

introduced into the Congress of the United States did not propose to carry out his views by a treaty, necessarily excluding the co-operation of the House of Representatives in its formation; nor did the Canadian Parliament at that time entertain the idea that such an arrangement could be perfected by the means of a commercial convention. If, as is now suggested by the Hon. Mr. Merritt, legislative action of the United States has failed to carry out the measure, that very fact is held, in the judgment of the President, to be a sufficient objection to his attempting to press it on the country by a treaty.

I again take the occasion to repeat that these and all other propositions of a similar character, emanating from the British government or any of its colonies, will be respectfully submitted by the President to Congress.

I avail myself of this opportunity to renew to you the assurance of my distinguished consideration.

JOHN M. CLAYTON.

JOHN F. CRAMPTON, Esq.,
Chargé d'Affaires of Great Britain.

HOUSE OF REPRESENTATIVES,
Washington, March 15, 1850.

SIR: On the 29th of January, 1850, a bill was reported to the House of Representatives, from the Committee on Commerce, "to admit certain articles of the growth and production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty." This bill has been recommitted to the Committee on Commerce, with a view to provide therein for the free navigation of the river St. Lawrence, and to assimilate the same to the bill now pending before the Senate of the like character. The committee are not disposed, however, to introduce into the bill any condition whatever in regard to the free navigation of the river, if it can be secured by the treaty-power of the government; and they are led to believe that it is in your power to obtain a full and satisfactory assurance to this effect at this time. With this view, I am instructed by the committee to make known to you their impressions. If it is in your power to communicate to the committee assurances satisfactory to you that the free navigation of the St. Lawrence would be tendered to the citizens of the United States, upon terms satisfactory to the government of the United States, upon the passage of the bill in question, (a copy of which is herewith enclosed,) the committee would feel it more expedient to recommend the passage of the bill in its present shape, rather than to connect with it any condition whatever.

I have the honor to be, with high respect, your obedient servant,

ROBERT M. McLANE,
Chairman Committee on Commerce.

Hon. JOHN M. CLAYTON, *&c., &c., &c.*

A BILL providing for the free navigation of the St. Lawrence river, and for reciprocal trade with Canada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the government of Canada, being thereto duly authorized by the government of Great Britain, shall confer upon the citizens of the United States, in American bottoms, and with boats and vessels of every description under the American flag, the privilege of using and navigating the river St. Lawrence, together with all waters, including the canals, connecting the upper lakes with the Atlantic ocean through said river, on an equal footing, and in accordance with the regulations which now exist, or shall hereafter be prescribed, for the use and navigation of the same by the inhabitants of Canada and subjects of Great Britain; and whenever the President of the United States shall issue his proclamation declaring the articles hereinafter enumerated, being of the growth or production of the United States, to be admitted into the province of Canada, by law, free of duty—then, on and after that day, until otherwise directed by Congress, the like articles, being the growth or production of said province of Canada, shall be admitted in the United States free of duty, when imported direct from said province, so long as the said enumerated articles are admitted into said province of Canada from the United States free of duty, to wit: grains and breadstuffs of all kinds, vegetables, fruits, seeds, animals, hides, wool, butter, cheese, eggs, tallow, horns, salted and fresh meats, ores of all kinds of metals, stone and marble, ashes, timber, staves, hemp, wood and lumber of all kinds, masts and spars, gypsum, either ground or rough.

DEPARTMENT OF STATE,
Washington, March 26, 1850.

SIR: I have received from the Hon. Robert M. McLane, chairman of the Committee on Commerce in the House of Representatives of the United States, a communication (a copy of which accompanies this note) relating to a subject upon which we have heretofore conversed, and in reference to which there was much conversation between Mr. Crampton and myself during the last summer: I refer to the navigation of the river St. Lawrence. To enable me properly to answer the inquiry of the Committee on Commerce, I respectfully request you to address to me an official note on the subject referred to by them, a copy of which may be communicated to their chairman.

Accept, sir, the renewed assurance of my most distinguished consideration.

JOHN M. CLAYTON.

Right Honorable Sir H. L. BULWER, &c., &c., &c.

BRITISH LEGATION,
March 27, 1850.

SIR: I have received the favor of your communication of yesterday's date, enclosing me one to yourself from the chairman of the Committee on Commerce of the House of Representatives, respecting the navigation of the river St. Lawrence, and the feeling which her Majesty's government might entertain towards granting to the shipping and citizens of the United States the free transit on that river, in the event of the Canada reciprocity bill now before Congress being passed by the American legislature, and the general commercial relations between the United States and the Canadas being thus placed on a footing more satisfactory to both parties.

I feel myself authorized to state, in reply to you, that her Majesty's government, entertaining a cordial desire to promote a good understanding with this country, and to facilitate every measure which can tend to establish the most amicable intercourse between it and the various portions of her Majesty's empire, takes a sincere interest in the success of that measure, which has already been conditionally approved of by the legislature of the Canadas, and which, I may respectfully remark, seems to me the natural consequence of those measures by which the markets of Great Britain have already been opened to the agricultural produce of this country. The desire thus described would, as you may imagine, be still further increased on finding that it was responded to here; whilst the course which the Committee on Commerce have suggested, and which you have complied with, by addressing yourself to her Majesty's representative on a subject which cannot but be one of imperial as well as colonial interest, will also, I feel certain, be considered as a proof of that friendly spirit towards the government of England which exists throughout her Majesty's dominions towards the people and government of this country.

I feel no hesitation, therefore, in stating that the instructions with which I came to the United States warrant me, under such circumstances, in assuring you that, should a bill corresponding to that which has received the sanction of the legislature in Canada be passed by the legislature of the United States, and receive the sanction of the President of the United States, her Majesty's government will be ready to respond to any application which the United States government may then address to it on the subject concerning which you have now applied to me, by at once consenting to open the navigation of the river St. Lawrence, and of the canals thereto adjoining, (and which would be duly specified,) to the shipping and citizens of the United States.

I need not observe to you that her Majesty's government would of course, in such case, reserve to itself the full right of withdrawing the aforesaid concession, upon giving due notice of such intention, whenever it might deem proper so to do, as in fact the government and legislature of the United States can likewise alter, whenever it may so deem proper, whatever regulations or laws they may now sanction.

It gives me great pleasure to have it thus in my power to satisfy yourself and the committee of the House of Representatives with respect to the question contained in your note and its enclosure; and I

avail myself of this opportunity to renew to you the assurance of my highest consideration.

H. L. BULWER.

Hon. J. M. CLAYTON, &c., &c., &c.

DEPARTMENT OF STATE,
Washington, April 1, 1850.

SIR: I herewith transmit, for the information of the Committee on Commerce of the House of Representatives, a copy of a correspondence with the British minister, the Right Honorable Sir Henry Lytton Bulwer, relative to the navigation of the St. Lawrence, which contains the information asked for in your letter of the 15th ultimo.

During the last summer, her Majesty's chargé d'affaires, J. F. Crampton, esq., in connexion with the Hon. William Hamilton Merritt, as agent for Lord Elgin, proposed negotiations with this department relative to the bill referred to in your letter, offering the reciprocal exchange of natural products between this country and the Canadas free of duty. It was then apparent that the free navigation of the St. Lawrence and the Welland canal would be offered us, on the terms now stated in the note of Sir Henry Lytton Bulwer. The President declined to make a treaty on the subject of duties on imports, which would exclude the House of Representatives from a decision on that subject. It was considered to be the peculiar province of Congress to decide upon the expediency of repealing or increasing duties.

I am, sir, very respectfully, your obedient servant,

JOHN M. CLAYTON.

Hon. ROBT. M. MCLANE,
Chairman Committee on Commerce,
House of Representatives United States.

I.

Free navigation of the St. Lawrence.

Mr. BUEL, from the Committee on Foreign Affairs, made the following report, (May 2, 1850:)

The Committee on Foreign Affairs, to whom were referred sundry petitions of citizens of the United States residing in States adjacent to the northern chain of lakes, and the memorial of the legislature of the State of Wisconsin, praying Congress to adopt measures for securing to American commerce the right of freely navigating the St. Lawrence, and also joint resolutions of the legislature of the State of Michigan relative to the same subject, report:

That they have had the subject under consideration, and they recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the free navigation of the St. Lawrence river, for commercial purposes, demands the earnest attention of the American government, and that it is highly desirable that it be secured to American commerce at an early day.

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Mr. BUEL, from the Committee on Foreign Affairs, presented the following views of a portion of the committee:

The undersigned, members of the Committee on Foreign Affairs, to whom were referred sundry petitions of citizens of the United States residing in States adjacent to the northern chain of lakes, and the memorial of the legislature of the State of Wisconsin, praying Congress to adopt measures for securing to American commerce the right of freely navigating the St. Lawrence, and also joint resolutions of the legislature of the State of Michigan relative to the same subject, ASSENTING *to the resolution reported by the committee, also report their reasons:*

The free navigation of the St. Lawrence, from its connexion with the chain of lakes to the ocean, presents a question somewhat new in the history of the government. In its early agitation its importance was more prospective than present; and hence, after various unsuccessful attempts to settle it by negotiation with Great Britain, it was allowed to slumber until a more urgent occasion should call for its decision.

The future, which then seemed distant, has suddenly become a present reality, and the wonderful growth of our inland commerce of the lakes has revived the question and given to it fresh interest. The government is now called upon to adopt measures for securing a commercial privilege of great local and national importance. Final action upon the subject will determine whether the export productions of the Northwest and the States adjacent to the lakes may, in part, find their way to the markets of the world, through the ocean-outlet of nature, or be disadvantageously forced through the interrupted, contracted, and circuitous channels of art. It will in fact determine whether the millions who dwell and are to dwell in the valley of the lakes shall be permitted to seek intercourse with remote countries by a gentle and easy descent to the ocean, thus appropriating the St. Lawrence as a natural highway to the purposes for which it was designed by Providence, or whether they must divert streams from their native beds, fell forests, fill up valleys, bridge chasms, and even climb or penetrate mountains, in order to maintain such intercourse.

Whoever will look at this question in its length and breadth will not wonder that it now presses itself upon the attention of the country as a great practical question. The laws of nature, the wants of the people, the commercial interests of the country, and even the necessities of the case, conspire to present the question as one which must ere long be decided, either by legislation or negotiation, or by that great current of events which overrides human effort, and accomplishes ends in spite of all resistance.

Nor is the question one of mere local importance. The St. Lawrence forms part of the long chain of waters which lies upon our northern boundary, as did once the Mississippi upon our western; and the question of freely navigating the latter was not much less national in its nature than is that of freely navigating the former.

A full examination of the subject requires some notice of the fact that our government has hitherto claimed the right of freely navigating the St. Lawrence as a *natural* right. It was upon this basis that the claim was urged and supported with great power and ability. It was resisted by Great Britain, and the discussion terminated without its settlement. The claim of right is believed to stand now as it did then, save that new events have given it new strength. The subject, therefore, presents itself in a twofold aspect—

1. As a right, to be claimed by the government.

2. As a privilege, to be secured by treaty or some reciprocal legislation.

We do not propose to discuss at great length the natural right of the United States to a free passage to the ocean through the waters of the St. Lawrence. Whilst but few arguments can be added to those which were urged nearly a generation since in its support, it is yet worthy of notice that the experience of the present day has so clearly proved their justice and validity. The wants and necessities of the extensive region of the lakes, which were then so plainly shadowed forth in the future, have now come to exist and confirm the justice of our claim. It is therefore deemed well to revive, if not to press, this view of the subject, so that, if the government shall at last conceive itself compelled to purchase as a privilege that which justly belonged to it as a right, its action may appear, what it really will be, a measure of necessity, resulting from the unwillingness of England to acknowledge the justice of our claim. In such an event, it will be but just that the transaction should stand forth in its true character in the history of her intercourse with us; whilst, however, the unconditional acknowledgment of our right by Great Britain would be received by the people of this country with the liveliest satisfaction, and could not fail to have a powerful influence in convincing them of her disposition to treat us with justice and liberality, and in confirming the good understanding which now happily prevails between the two countries.

Although the right of the United States freely to navigate the St. Lawrence to the ocean may have existed from the definitive acknowledgment of our independence by Great Britain in 1783, and even from the treaty of Paris in 1763, which secured to her the Canadas, and of course to her, in common with her adjacent colonies, the use and control of that river throughout its whole extent, yet, as a *question*, it is modern in its origin. So long as there was no occasion for exercising the right, there was none for asserting or disputing it. It is true, under the supposition that the sources of the Mississippi were within the British boundaries as established by the treaty of 1783, that instrument contained a stipulation that "the navigation of the river Mississippi, *from its source to the ocean*, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States," whilst it was silent upon the subject of navigating the St. Lawrence.

The cases were undoubtedly analogous as regards the *natural* right of navigating similar outlets to the ocean, but in some respects they were widely different. We cannot fail to perceive that, by this stipulation, the two countries claimed the free navigation of the Mississippi from its source to the ocean on the *natural* right alone, *for that claim was thus put forth in the treaty, without any arrangement with Spain, by whom the mouth of that river was then held.* But this feature in the case deserves more particular notice in another connexion.

It must also be observed that the cases were widely different in respect to the supposed relative importance of the two rivers. The situation of the mouth of the Mississippi in reference to the Gulf of Mexico and the West Indies, the continuance of navigation for more than a thousand miles above its mouth at all seasons of the year, and its character as an extensive national boundary, well indicated the future importance of the river, and the wisdom of securing, if possible, the right of freely navigating its waters. But the future value of the St. Lawrence was then estimated by different circumstances. It was ice-bound for one-half of the year. It was contiguous to but one of the States, (New York,) and for but a small part of its northern boundary; and even here the habitation of the white man was seldom, if ever, to be found. We had no commerce, no property, afloat upon this river, unless in the bark canoe, and emanating from the small trading posts among the Indians upon the upper lakes. Even this trade was carried on with Montreal, and was essentially Canadian in its character. The geography of all this region was but little understood in our own country, much less in Europe; and some of its natural curiosities were there known very much as wonderful traditions or fables. Detroit existed only as a trading post; whilst Buffalo, (which now rivals even the ancient capital of New York,) Cleveland, Chicago, and Milwaukie, were then unknown. The great valley of the lakes was without people, without commerce. Whilst they were viewed as a waste of waters, their shores were skirted for thousands of miles by one continuous wilderness.

Besides, canals were at this time unknown in our country. It was gravely published in London about the middle of the last century, in an extensive geographical and historical work, that the Falls of Niagara are six hundred feet in height, and, at the period of the acknowledgment of our independence by Great Britain, they were doubtless regarded as an insurmountable barrier against all connexion by navigation of the upper lakes with the waters of the St. Lawrence. In fact, no human wisdom could foresee that what then seemed to be the work of centuries was destined to be accomplished in one or two generations. Still less could human wisdom foresee that these lakes would so soon teem with a commerce that should demand the use of that highway to the ocean which was provided for it by nature. Had the wonderful realities of the present been thought or dreamed of, and our natural right under such circumstances questioned, at the period of the treaty of '83, can any one doubt that we should have demanded stipulation for the free navigation of the St. Lawrence, and that such stipulation would have been as readily arranged as that for the free navigation of the Mississippi?

We have submitted the preceding observations for the purpose of showing that the question of our right to the navigation of the St. Lawrence could not have existed as a practical question at the period of the treaty of '83, but is one of subsequent and modern origin. We have desired to show that it could not exist as a practical question until the country of the lakes came to be inhabited and civilized, and to teem with a commerce seeking its natural channel in this ocean-outlet. That period has now come, and with a rapidity far beyond the conceptions of our ancestors. The spirit of enterprise and adventure, which at an early day in our history sent the American pioneer to the foot of the Alleghanies, has carried his descendants far over and beyond this barrier, and planted their habitations on the shores of those great lakes upon whose waters they now ask to be borne in their downward passage to the ocean.

Having thus briefly noticed the origin and history of our claim, we come next to a consideration of the arguments upon which it rests.

Nature plainly points to the ocean as a field of enterprise for the whole world, and international law recognises it as property to be enjoyed in common by all nations. While nature has thus provided the world with a common highway, she has been lavish in also providing for inland nations lesser highways or means of access to it, such as inlets and rivers. The right of all nations jointly to navigate the ocean may well be deduced from the fact that it is the common reservoir formed by a union of the lesser highways or rivers, which, to a certain degree, are recognised as the property of the contiguous nations through whose territories they pass, to the extent of their contiguity. This property is justly qualified by the claim of upper and inland nations to the right of passage to and from the ocean; and this right of ingress and egress asserts but little more than the national right of using and following a national qualified property until it reaches the ocean or common reservoir, where all stand upon equal footing.

A nation may well assert control over a river flowing in its whole length through its own territories. So, too, by analogy, may a nation assert control over the sources or upper parts of a river, so far as they lie within its boundaries. Such right interferes with the interests of no nation below in seeking passage to and from its mouth, and prosecuting its trade and commerce upon the ocean. But is it not a very different case, when a nation, by discovery, settlement, or conquest, takes possession of the mouth of a great ocean-outlet, which, it may be, extends inland for thousands of miles, washes and fertilizes the soil of various climates and countries, and is the only natural highway of many nations equally sovereign with that which may chance to own the soil contiguous to its mouth? What process of reasoning, or what plea of convenience or necessity, in such case, can concentrate in the lower nation a sovereignty which overrides and absorbs all sovereignties above, or give to the lower sovereignty a greater right of navigation than that which belongs to the upper? The language of the protocol referred to in the letter of Mr. Rush, when minister to England, to Mr. Adams, the American Secretary of State, dated August 12, 1823. well confirms the preceding view:

"It has sometimes been said that the possession by one nation of

both the shores of a river at its mouth gives the right of obstructing the navigation of it to the people of other nations living on the banks above; but it remains to be shown upon what satisfactory grounds the assumption by the nation below of exclusive jurisdiction over a river thus situated can be placed. The common right to navigate it is, on the other hand, a right of nature. This is a principle which, it is conceived, will be found to have the sanction of the most revered authorities of ancient and modern times; and if there have been temporary occasions when it has been questioned, it is not known that the reasons upon which it rests, as developed in the most approved works upon public law, have ever been impugned.

"There is no sentiment more deeply and universally felt than that the ocean is free to all men, and the waters that flow into it to those whose home is upon their shores. In nearly every part of the world we find this natural right acknowledged, by laying navigable rivers open to all the inhabitants of their banks; and wherever the stream, entering the limits of another society or nation, has been interdicted to the upper inhabitants, it has been an act of *force* by a stronger against a weaker party, and condemned by the judgment of mankind. The right of the upper inhabitants to the full use of the stream rests upon the same imperious want as that of the lower—upon the same intrinsic necessity of participating in the benefits of this flowing element."

Let us now inquire into the nature of this right of sovereignty over navigable rivers passing through different countries. The *natural* law clearly points to them as highways common to the nations which dwell upon their banks. The law of nations likens them to highways, and such, it is believed, they are defined to be by the statute law of nearly all civilized countries. But the control of ordinary highways is by no means absolute in the ruling sovereignty. They are appropriated by human as well as natural laws to certain specific purposes, which are inconsistent with the unqualified right of any power to dispose of them at will. The individual, subject or citizen, the *natural man*, possesses rights here which even the sovereignty cannot justly annul or take from him without rendering compensation. The instructions of Mr. Adams to Mr. Rush in 1823 upon this subject, are so pertinent to this view, that they deserve to be quoted: "The right of navigating the river is a right of nature, preceding it in point of time, and which the sovereign right of one nation cannot annihilate, as belonging to the people of another." Upon this point, Mr. Rush pressed our claim on the British government in the very terms of his instructions.

The principle relied on points to, and springs from, the natural right of every human creature to the enjoyment of life, liberty, and happiness, and to the use of all those just means which are necessary to give effect to that right. The existing sovereignty may *regulate* the use of a highway, but it has no right, in ordinary cases, to close or destroy it without compensating individual losses. Such avenues are for the use of the public—of the individuals composing the ruling state. The right to a highway is the right to use it, to travel in it, to pass and repass. It is created, whether artificial or natural, not so much for the accommodation of nations in their sovereign capacity, as of the individuals who dwell near them, and who, without them, could not prosecute the

ordinary pursuits and occupations of civilized life. Is it not evident, then, that the sovereignty which a nation is said to possess over its highways is substantially, and for practical purposes, the right of the *individual man*, to use them for those objects for which they were originally designed?

Let us now apply these views more directly to the case of navigable rivers. They are held to be highways by the courts of England and of this country, and the right of using them is likened to that of using a highway. The English and American law treatises and decisions are full of authority to this effect, and it is unnecessary to cite them. It is worthy of remark that Congress, as early as 1786, affirmed this view in respect to the navigable waters leading into the Mississippi and St. Lawrence. This was done by a resolution adopted in that year; and the same view was afterwards reaffirmed in the ordinance of 1787, which, in the very language of the resolution cited, declares the said waters and the carrying-places between the same "to be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." The right of freely navigating the Mississippi to its mouth had already been asserted by the United States, and the resolution cited and the ordinance of 1787 extended that right to the navigable tributaries of both rivers.

How, then, stands the case of the St. Lawrence? It is a large navigable river, emptying directly into the ocean. For several hundred miles above its mouth, it is substantially a great ocean-inlet, averaging not less than thirty miles in width. Above, the American sovereignty rules upon one bank and the English upon the other; whilst below, both are ruled by the latter. It is a national highway; and the right to navigate it is the right to use it, to apply it to those purposes for which it was designed by the God of nature. The right of navigation in this case, as in that of a highway, is the right of the *individual*, the *natural* man; and the ruling sovereignty is absolute in neither. In fact, that sovereignty or control which a nation claims for itself over a navigable river passing within its borders is substantially the right of its people—its individual citizens or subjects—to use it according to its natural design of furnishing them with a pathway to the ocean, and enabling them to hold intercourse with the remote nations of the globe. How, then, can those who dwell upon the upper parts of a navigable stream lose the right of freely passing on it to and from the ocean by happening not to dwell under the sovereignty of that people who occupy its lower banks? How can it be shown that a mere difference of local position can thus operate to diminish or enlarge a natural right which exists and belongs to man independently of all human government?

To such views as these may be added the authority of Mr. Clay, who, when he was Secretary of State, in his instructions of June 19, 1826, to Mr. Gallatin, our minister at London, used the following language: "It is inconceivable upon what just grounds a nation below can oppose the right of that above to pass through a great natural highway into the sea, that it may trade or hold intercourse with other nations by their consent. From the very nature of such a river, it must, in respect to its navigable uses, be considered as common to all the nations

who inhabit its banks, as a free gift flowing from the bounty of Heaven, intended for all whose lots are cast upon its borders." And in his instructions of the 8th of August, in the same year, to Mr. Gallatin, he says, concerning the right of navigating the St. Lawrence independently of Great Britain: "Nor can the President consent to any treaty by which they should renounce that right, expressly or by implication."

The right to *regulate* the use of a highway—as a navigable river—must not be confounded with an absolute sovereignty. This right of *regulation* must necessarily belong to the contiguous nations; but it must be exercised consistently with the prior natural right of navigation. Laws and government should extend as well over the waters as the banks of a river, and they form what may be called the local jurisdiction. But the prior right of navigation overrides all local law, and cannot be annulled, for it existed *before* and exists *independently* of all law. The right may be regulated under law by considerations of justice and expediency, but it cannot be destroyed. The right of navigating the ocean furnishes an apt illustration of the distinction thus taken. No one will deny that it is a natural right, and exists independently of law; but its exercise brought into existence new circumstances and relations between nations, which rendered necessary some law for the regulation of such exercise. Here we see the origin of international maritime law, which asserts jurisdiction over the ocean, furnishes it with a government, and *regulates* without destroying the prior right. It is only in this sense that a nation can be said to have sovereign power over the mouth of a navigable river, as against another occupying above. This same distinction was evidently taken by Mr. Adams in his instructions to Mr. Rush, before referred to, and in the following terms: "The exclusive *right of jurisdiction* over a river originates in the social compact, and is a right of sovereignty. The *right of navigating* the river is a right of nature, preceding it in point of time, and which the sovereign right of one nation cannot annihilate, as belonging to the people of another." The Congress of Vienna, in 1815, whilst it provided for the free navigation of many of the rivers of Europe, did not omit also to provide that "the regulations established with regard to the *police* of this navigation" should be respected—thus plainly recognising a right of jurisdiction as distinct from that of navigation.

We have now reached that point in the argument upon the nature of national sovereignty over navigable rivers emptying into the ocean, where we are prepared to assert it is seldom, if ever, *absolute* and *unqualified*. It does not exist in the case of a navigable stream situate entirely within the territory of a single nation; for it is subject to the prior natural right of those who have planted their homes upon its banks, and must be exercised consistently with that right. It does not exist in the case of a nation dwelling upon any part above its mouth, or, it may be, occupying exclusively its sources; for, in that case, such nation, exercising its absolute sovereignty, could divert the stream, and thus destroy the navigation of nations occupying below. Lastly, it does not exist in the case of a nation holding the mouth; for if, as we have just seen, a nation occupying above cannot possess it, by what principle of justice can it be shown that a nation occupying below can possess it, thus establishing, in respect to sovereignty over a navigable

river, an unequal rule of right amongst those who have chosen to settle upon its borders, and who, though from necessity they must occupy different positions in regard to its mouth, and dwell at different distances from the sea, yet all settled upon its borders for the same purpose of using it, of navigating it, of trading with remote nations, of passing and repassing at will between their homes and the ocean?

Further, if Great Britain contends for an absolute national sovereignty over the mouths of navigable rivers which may be in her possession, is she prepared to submit to the consequences which naturally flow from it, and seem quite as reasonable as the doctrine itself? The doctrine, it is true, does not go quite so far as to imply absolute property in the contiguous water, as in land or movable articles; for the water, by necessity, would cease to become such when it passes from one territorial dominion into another. It is continuous in its nature; and the same water forms the navigable river both above and below the dividing boundary line. Yesterday it was in one dominion, to-day it is in another, and "to-morrow will be in that ocean to which the presumptuous sway of no one has as yet been lawfully extended." Whilst the doctrine does not go to the length just intimated, it does, however, give as absolute and sovereign control over the *sources* of a river to a nation within whose territories they are situate, as over the *mouth* to that nation which may possess it. Such control is as just and consistent with the principles of right in one case as in the other.

Apply this consequence of the doctrine claimed to the case of the St. Lawrence, and what follows? Its chief sources are the great lakes, one of which lies *entirely* within American territory. It has been believed that the waters of Lake Erie can be made to flow into the Ohio. This idea is not altogether new; for such a connexion, in the form of a canal, was the subject of correspondence between Washington and Jefferson at an early day in the history of the country. It was then supposed that it might be the means of bringing the trade of the western country to Virginia. Whatever might be the effects of such a measure at the present day, by way of diverting trade, if feasible, it might be so executed as to create a new and large navigable river within our borders, which, whilst it would form a great highway for inland commerce, would at the same time swell the waters of the Ohio so as to be navigable by steamboats at all seasons of the year for a much greater distance above its mouth. But would England acquiesce in such a measure, when she should suddenly find the waters of the St. Lawrence partially dried up, and its navigation from Lake Ontario to Quebec perhaps destroyed by *shoals*, *rocks*, and *rapids*?

Yet this case, extreme as it may seem, would be the natural result of the doctrine for which England contends. It could work but little injury to us, except so far as the St. Lawrence may be contiguous to New York. Lake Ontario is of great depth, and, although its outlet would become greatly diminished, yet its surface would be but little affected, and its navigation would continue as before. The upper lakes would remain the same, as their surplus waters would still accumulate in, and be discharged from, Lake Erie. But this objection would be without force, since our drainage of its surplus waters would not injure its navigation.

Yielding, however, to this objection, let us pass upward for a thousand miles, and we come to the extremity of Lake Michigan, which lies *entirely* within our borders. It cannot be denied that the United States have as sovereign control over the waters of this lake as any nation can have over those of a navigable river. But will England admit such control to be absolute and unqualified, and allow us to drain its waters into the Ohio or Mississippi? In this case, as in the other, she might behold her navigation of the St. Lawrence obstructed by new shoals, rocks, and rapids. Michigan, too, might be a little interested in this state of things; and all the States of the Northwest, whose commerce passes over the lakes, might find their ancient right of navigation interrupted by impassable shoals, if not in the St. Clair and Detroit rivers, certainly in Lake St. Clair, the depth of whose navigable channels is now barely sufficient for the passage of our largest vessels. Here is one of the strongest cases to be put for asserting the doctrine of absolute sovereignty over navigable waters connecting with the ocean. It is not the case of a river, but a large inland sea, 340 miles long, and averaging 58 miles in width, and lying entirely within our own country. The United States have not yet claimed the right thus to drain its waters and destroy or impair the navigation of the St. Lawrence; but it implies no greater sovereignty on our part than that which Great Britain claims over that river; and one case has been supposed to illustrate the other, and to show that there can be no such right as that of *absolute* control over the mouth of a navigable river emptying into the ocean, as against a nation occupying the same river above.

Another argument may be adduced in favor of the claim of the United States, based upon the *joint acquisition* of the St. Lawrence by Great Britain and her American colonies, as the result of the war with France, followed by the treaty of 1763, which gave the Canadas to England. In that war many of the colonies, now States of this Union, "well bore their part," and contributed not a little in accomplishing its results. From that time to the Revolution they enjoyed freely its navigation, and none can question their right during this period. But they claimed it then as *colonies;* and should they, by revolutionizing and erecting themselves into independent States and sovereignties, possess less right of navigation than before? Would it not be more reasonable to suppose that their transition from a state of colonial vassalage to one of national sovereignty would enlarge, if possible, or at least not diminish, and even destroy, their former right?

We are now brought to a consideration of the last, and perhaps the strongest, argument in favor of the American claim—that of *commercial necessity*. This argument has its origin in no temporary or artificial causes, which it is in our power to remove, but springs from that difference of geographical position to which, from the nature of things, nations must forever be subject. "The unerring counsels of nature" have led our people to the shores of the great lakes, and pointed them out as sources and parts of a great navigable highway to the ocean. Circumstances connected with the recent and wonderful growth of our country, and especially of that section which borders upon this highway, now point to its use, not merely as a convenience, but necessity. This argument presents us with a view of the trade and commerce which

now seek access to the markets of the world through this channel, and invites us to estimate them, if possible, for the future. It pictures to us the valley of the lakes as it is, and is to be.

This valley contains a lake coast of about 5,000 miles, of which nearly three thousand belong to the United States. Lakes Ontario, Erie, Huron. Michigan, and Superior, not including the straits and channels by which they are connected, form a continuous body of water 1,450 miles in length, and averaging 61 miles in width. But few countries *can*—none but our own *does*—contain such a field for inland commerce. Its commercial importance is best exhibited by the wonderful development of population and wealth which have so suddenly accumulated upon its shores. History has never before recorded a more wonderful story in the settlement of the world than that which tells of the birth and growth of this northwestern valley. The general settlement of our country has surpassed the most sanguine expectations; but that has been the work of centuries, whilst the settlement of this valley has been the work of a generation—of a day. There are those who saw the Northwest when it did not contain 5,000 inhabitants, and are now living to see it teeming with a population of five millions, or almost double our entire population when we declared our independence of Great Britain. Its commerce has been equally sudden in growth and wonderful in extent.

Who will not be startled on being told that the commerce of Michigan has become nearly equal to that of all Canada? Yet, incredible as it may seem, it is true. But Michigan is the child of one generation; and in our own day her population has risen from five to nearly five hundred thousand; whilst the population of Canada is more than three times that of this youthful State, and, having the experience of two centuries, she even now languishes as with premature decline.

The following is a comparative view of the commerce of Canada and Michigan, in respect to certain leading exports, for the year 1847:

Articles.	Canada exported.	Michigan exported.
Flour, barrels	928,061	933,179
Wheat, bushels	925,012	601,688
Lumber, in feet	76,913,735	73,842,000
Shingles	14,744,000	26,633,000
Aggregate exports for 1847	(unknown.)	$7,119,832

We have not the means for determining, in figures, the aggregate exports of Canada for the year 1847, but, from such information as we have been able to obtain, they are believed to have been much less than those of Michigan; but the imports of the former for the same year are known to have been greater than those of the latter. Furthermore, the trade of Canada has been, of late years, steadily declining, and has reached a point of great depression; whilst that of Michigan, as of all the northwestern States, has been steadily increasing.

There are now eight States immediately connected with the navigation of the lakes whose commerce, to some extent, might, if permitted, seek an outlet to the ocean through the St. Lawrence—Vermont, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, and Wisconsin. They were estimated to contain in 1846 a population of 8,877,456, or nearly half that of the whole Union, of which 2,928,925 depended upon the lakes for reaching a market. Much information upon this subject is contained in the very valuable report to the Secretary of War from the Topographical Bureau, of December 10, 1847, which presents a view of the lake commerce up to the year 1846. We have drawn upon this source for a few important statistics, and do not doubt that they may be relied on as mainly correct, since they are based upon detailed reports from the various collection ports and districts, which exhibit the kinds and quantities of which the commerce consists. We have been also kindly furnished by Colonel Abert, of the Topographical Bureau, with some facts and figures touching the commerce of the lakes at a much later period; and, as they are believed not yet to have been published, they are presented below, in a consolidated form, in connexion with those for a former year:

Lake tonnage for 1846 was, steam	6[illegible],825
Do....do....do.....sailing	46,011
Total for 1846	106,836
The upper lake tonnage for 1849, with that of Lake Ontario for 1848, exhibits a total tonnage of (that of Lake Champlain not included)	198,295
Increase is nearly 100 per cent., being	91,459
Mariners employed on the lakes in 1846 were	6,972

The following table exhibits the total exports and imports of certain leading ports and districts:

Buffalo (port) 1846	$48,989,116
Cleveland...do	12,559,110
Detroit.....do	8,706,348
Oswego.....do	9,502,980
Erie.....do	6,373,246
Whitehall...do	6,327,489
Monroe (district) and Toledo, 1846	9,519,067
Sandusky (district) 1846	5,943,127
Burlington.....do	3,777,726
Chicago (port) 1848	11,903,000
Milwaukie...do	5,927,000

The aggregate exports and imports of the lake ports for 1846 were reported at $123,829,821.

This sum, however, represents a duplicate commerce, since the exports of one place are to some extent the imports of another, and the net value was estimated to be one-half, or $61,914,910.

This view, for 1846, falls much short of the whole truth, since it is known that these estimates include nothing for the commerce of eighteen important places, from which there were no returns for that year.

If we now look at the lake commerce for the year 1848, we find that its increase is nearly commensurate with that of the tonnage, as above stated. The aggregate exports and imports for that year of the different lakes were estimated as follows, in round numbers:

Lake Michigan, exports and imports, 1848	$24,320,000
Lake Huron ....do....do....do	848,000
Lake St. Clair....do....do....do	636,000
Lake Erie ....do....do....do	115,785,000
Lake Superior....do....do....do	(unknown.)
Total for 1848, in round numbers	141,589,000
Lake Ontario, for 1848	28,141,000
Lake Champlain ...do	(unknown.)
	169,730,000

Consolidated returns in exact numbers:

Lakes above the falls	$141,593,567
Lake Ontario	28,140,927
Lake Champlain, (1846)	11,266,059
Lake Superior	(unknown.)
	181,000,553

This estimate gives the sum of $181,000,553 as the aggregate value of the lake exports and imports for the year 1848, of which, upon the principle before mentioned, one-half may be set down as the net value for that year—$90,500,276.

Such are some few of the many facts from which some estimate may be formed of the immense commerce of the lakes. The great increase of the articles of flour and wheat, as received for a series of years prior to 1848, at Buffalo, the principal receiving depot of the lake commerce, on its way to the eastern markets, furnishes something like an index of its general increase in other productions. Reduced to an equivalent in wheat, they rose from 2,780,000 bushels in 1841 to 10,688,564 bushels in 1847; and, adopting 17 per cent. as an approved rate of annual increase of the aggregate lake commerce, in ten years, or in 1857, its net value will be $170,545,257.

The above facts and figures enable us to form some idea of the present commercial condition of the lake valley. But who can measure its prospects in the future? The experience of the few past years teaches that its growth has surpassed all prior calculations, and past estimates have seldom kept pace with existing realities. It has become quite impossible to proportion, in advance, the increase of this region in population, wealth, and commerce, to the increase of its facilities for communicating with the eastern markets. The future refuses to be governed by rules of past experience. If the commerce of this valley

is to increase from sixty-three millions in 1847 to ONE HUNDRED AND SEVENTY MILLIONS in 1857, who will undertake to measure it at the expiration of another quarter or half of a century? And if it now crowds our channels of communication almost to stoppage, and, consequently, finds its way disadvantageously through them to market, what will be the condition of things in fifty, twenty-five, or even ten years hence, unless some portion of it can find its way to the ocean through the channel of the St. Lawrence, which nature has constructed for it with so liberal a hand?

Further, we cannot overlook the very important fact that the free navigation of the St. Lawrence would, in effect, for commercial purposes, add three thousand miles to our ocean-coast. It would convert the lakes into great ocean-inlets or bays, and their ports into ocean-harbors. Whitehall, Burlington, Oswego, Buffalo, Cleveland, Detroit, Milwaukie, Chicago, and all our lake towns and cities, would be substantially upon the ocean. They could thus carry on a direct export and import trade with Liverpool, with China, or any other remote country of the globe which may be accessible from the ocean. It would open their valuable timber forests, and enable them to send ships, as well as cargoes, for sale to the English marts, or those of any other country by whose navigation laws it might be permitted. Such a change in geographical position could hardly fail to produce a great revolution in the commerce of the Northwest, not by way of diverting it seriously from its accustomed channels, but by opening new fields of enterprise, stimulating new industry, and giving new employment to labor. No apprehension need be entertained that existing artificial channels would not continue to be taxed for transportation, as now, to the extent of their capacity for public use and advantage. We have already shown the probable future increase of our lake commerce; and all apprehension like that suggested should be dispelled, when it is also considered that the population of the Northwest alone, estimating by approved principles of increase as applicable to that particular and growing region, will, in the lapse of half a century, be not far from thirty millions, or several millions greater than the present population of the entire Union.

There are also some other facts which must be noticed for the purpose of showing that the free navigation of the St. Lawrence would be revolutionary in some of its results, not by interfering with present commercial interests, but by stimulating new industry and calling for new labor. We had in 1847, as before seen, a lake tonnage of nearly 200,000 tons; and this, with its subsequent increase, is employed in short voyages, varying in time from one to a few days. But open the St. Lawrence, and these voyages may, instead of days or weeks, require months and even years. One single ocean voyage may become equal to all the voyages of a vessel which plies during every week of the navigable season between Buffalo and Chicago. For every vessel engaged in present commerce that passes out upon the ocean, another must sooner or later take its place.

All this would require more tonnage and more hands. Can it be doubted that, under the stimulus of this measure, our lake tonnage would be suddenly and vastly increased, and even quadrupled, at an

early day? In this estimate we do not include the vessels which would be constructed for sale in a foreign market. Such an increase of tonnage would bring with it an increase of hands, and raise the amount of the latter from seven to twenty-eight thousand. These results would tend to produce competition, whilst competition would tend to cheapen the transportation of our commerce. To this must be added the advantages of a continuous voyage—one which would be subject to little or no delays at intermediate ports, and to no expenses for transhipment. A large portion of the expense of transportation is incurred at the places of shipment and discharge, and hence the cost of the voyage is not determined by its length. All the ports upon the lakes below Lake Superior are said to be nearer Liverpool than Odessa, the principal wheat mart on the Black sea. Cleveland is said to be more than a thousand miles nearer; so that there is little room for doubt that the lake valley, having the advantages of a continuous voyage via the St. Lawrence, can send its wheat as cheaply to the English markets as the country of the Black sea, and thus maintain a successful competition.

We should fail to do justice to the subject if we omitted to notice another feature in the commercial condition of the lake valley: that for at least five months in every year its navigable waters are bound up with frosts and snows of a northern winter. In 1846, the capital invested in the lake tonnage was estimated at six, and now cannot be far from ten millions; but during the long period of winter this vast capital is idle, whilst the ships are decaying at their moorings, amidst snow and ice. For this loss, it is well known, the public is obliged to pay, by a necessary and consequent increase of prices charged for the transportation of persons and property. From this cause alone are the people of the lake valley every year taxed hundreds of thousands of dollars; but it is a tax which, to some extent at least, the free navigation of the St. Lawrence would remove. Winter upon the lakes now suddenly turns thousands out of employ for nearly half a year; and, being generally unfitted, by the habits of a seafaring life, to engage in ordinary occupations upon land, to many of them but little is left save to congregate in the cities, and there viciously squander their earnings of the summer. Make free the St. Lawrence, and many of our ships, with their crews, engaged during the summer in inland commerce, at least such as are fitted for ocean navigation, would flee from the icy lakes during winter, and seek other and more genial fields of commercial enterprise.

We have now presented a brief sketch of the principal arguments upon which our claim to a free navigation of the St. Lawrence is based. It must, however, be remembered, that this exhibition of the commerce of the lakes has been confined entirely to that which is American in its character. There is also upon the lakes a large British commerce, which would be greatly increased by that reciprocal stimulus of trade which would spring from a joint and equal navigation of the river by the people of both countries.

But little, therefore, now remains, save to inquire what objections, if any, can be urged against the justice of the American claim? That it would benefit us, there is no doubt; and that it would work no injury to British commercial interests, seems equally clear. So far from that is

the truth, that it would operate as a fresh stimulus of British enterprise in Canada. By what principle, then, of natural right and justice, or of international law, can England withhold from us a right of so much national importance, and one the concession of which could work no injury to her own right of navigation, or involve any sacrifice of her honor? Where a right claimed by one nation against another is an *innocent* right, and its enjoyment is essential for the public interests of the nation claiming, it is believed that the law of nations has amply provided for its recognition. "Property cannot deprive nations of the general right of travelling over the earth, in order to have a communication with each other, *for carrying on trade*, and other just reasons. The master of a country may only refuse the passage on particular occasions, where he finds it is prejudicial or dangerous." (Vattel, book 2, ch. 10, sec. 132.) The same author (in ch. 10 of same book, sec. 134) says: "A passage ought also to be granted for *merchandise;* and as this may in common be done without inconvenience, to refuse it without just reason is injuring a nation, and endeavoring to deprive it of the means of *carrying on a trade with other States;* if the passage occasion any inconvenience, any expense for the preservation of canals and highways, it may be recompensed by the rights of toll." The navigation of the St. Lawrence can be connected with that of the upper lakes only by a canal. None exists at present for that purpose within our own country; and, having no right, we of course cannot ask the privilege of transporting our commerce through the canals of Canada without rendering a just compensation.

The right of passage, where it may be innocently exercised, may be well illustrated by the case of navigable straits connecting seas, the navigation of which is common to several nations. As the rivers St. Mary, St. Clair, and Detroit have often been called straits, forming a continuous communication between some of the great lakes, so the St. Lawrence, which is but another though longer link in the chain, may be likened unto a strait. It connects the ocean, which is free to all nations, with an inland sea, whose navigation is common to the two nations which occupy its shores. And of such a case, the same writer upon international law says: "He who possesses the strait cannot refuse others a passage through it, provided that passage be innocent and attended with no danger to the State." This right of passage has been well called by Grotius, "a right interwoven with the very frame of human society;" and, if more need be added to confirm the argument, let his declaration be cited, that "a free passage through countries, *rivers*, or over any part of the sea, which belong to some particular people, ought to be allowed to those who require it for the necessary occasions of life, whether those occasions be in quest of settlements, after being driven from their own country, *or to trade with a remote nation.*" (Book 2, ch. 2, sec. 13.)

Further, can any objection be drawn from the practice and opinions of the world, as exhibited in its international treaties? Here it is to be remarked, that the concession of *new* rights must not be confounded with the recognition of *old* ones. Treaties sometimes create rights, and sometimes merely acknowledge those already existing, which, though questioned to some extent, are, upon examination, found to have

a just existence in nature, and independently of treaties. They are, therefore, formally asserted by one party, and acknowledged by the other, so as effectually to remove all grounds for future question or difference. Thus the thirteenth article of the treaty of Utrecht, (1713,) by which France ceded to England Newfoundland, continued to the subjects of France the use of certain fisheries upon the coasts of that island. This same right to the fisheries was recognised as belonging to France by the fifth article of the treaty of Paris, (1763,) which renewed and confirmed so much of the thirteenth article of the treaty of Utrecht as relates to this subject. At the treaty of Versailles (1783) these fisheries were again the subject of negotiation, and Great Britain and France readjusted the terms upon which they should be enjoyed by the respective parties. The French right of fishery was again the subject of adjustment between the parties at the treaty of Paris in 1814. From this series of negotiations it may well be argued, that the treaty of Utrecht did not create the right of fishery for France, but recognised it as one already existing, and the subsequent treaty stipulations upon the subject concerned chiefly the principles and limitations by which it should be exercised.

The third article of our treaty of 1783 with England may also be cited as in point, as it stipulated for the *continued* right on our part to enjoy the fisheries in the Gulf of St. Lawrence and on the coast and banks of Newfoundland, "and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish." Was it not obviously the intention of the parties to this stipulation not to *create*, but to *acknowledge*, for and as against each other, rights already existing and which had existed and been enjoyed in common at least since the acquisition of Canada? These rights to the fisheries were thus admitted to belong to the United States, notwithstanding their separation from the mother country. The language of the article is "that the people of the United States shall *continue* to enjoy" the fisheries, and thus *continues* without *creating* a right. This continuance was evidently based, not upon an idea of concession on the part of England, but upon principles of natural justice and right, having their origin in the fact, that it was partly American enterprise that had discovered, explored, and occupied these fisheries.

The United States contended for such principles as these in settling the terms of the convention of 1818. England sought to maintain that the war of 1812 had abrogated the American right to the fisheries, whilst Mr. Rush, who conducted the negotiations on our part, insisted upon that right as being permanent or perpetual in its nature, as old at least as the treaty of 1783; and he shaped the terms of the convention upon this subject with an express design on his part of excluding "the implication of the fisheries secured to us being a new grant."

The case is conceived to be analogous, and it would be difficult to show that the natural right of the United States to transport their commerce upon the St. Lawrence to and from the ocean is much less than that which they enjoy to the northeastern fisheries.

The question of the free navigation of the Mississippi also well illustrates the view now submitted. At the treaty of 1783 with Great Britain, its mouth was held by Spain. It formed our western boundary,

and its sources were supposed to lie within British territory. Each party stipulated in this treaty for the free and joint navigation of the river. But did either party *concede* to or *create* in the other any supposed new right? Did this stipulation amount to anything more than a recognition or declaration of right as against each other, and a claim or assumption of it as against Spain? It was in fact an acknowledgment of supposed pre-existing right—a right freely to use and navigate the river, as a great highway to the ocean, which nature had created for the accommodation of the nations who might dwell upon its banks. The sources of the river were, however, subsequently ascertained to be entirely within our own boundaries, and we were left alone to assert our right against Spain. Our representatives at Madrid were instructed to press upon her attention not the privilege merely, but the *right* of freely navigating the Mississippi to its mouth; and so anxious were the American people upon this subject, and so well satisfied of the right, that the question threatened at some future time to involve us in a war with that country; but the far-seeing policy of Mr. Jefferson, which looked to the acquisition of Louisiana, settled it by the treaty of cession in 1803. It may, then, well be asked, can England now justly deny to us a principle, in reference to the mouth of the St. Lawrence, which she has already asserted against Spain, in reference to that of the Mississippi?

Nor, it is believed, can any objection to the American claim, as being against the practice or law of nations, be derived from treaties amongst the nations of Europe, which relate to the use of navigable rivers. They are believed to have proceeded in part upon the idea not of creating, but of affirming rights; not of conceding privileges, but of recognising rights which had a prior existence under the natural law. There are in Europe many rivers which are not by nature navigable, but are made so by clearing out their channels and by other artificial means, such as the Elbe, Maese, Weser, and Oder. In such cases, both reason and international law justify the exaction of tolls, to meet the expense of putting and keeping them in navigable condition; but this exaction should be limited to such special and necessary purposes.

By the treaty of Paris (1814) between England and France, the navigation of the Rhine, from the point where it becomes navigable unto the sea, was declared to be free. At this time a congress of European nations had already been proposed, and, in anticipation of its sitting, this same treaty provided that such congress should "examine and determine in what manner the above provisions can be extended to other rivers, which, in their navigable course, separate or traverse different States."

The congress of Vienna seems manifestly to have proceeded upon the principle of recognising the right of nations freely to navigate to its mouth the same river, which separates or crosses their territories as a pre-existing right, founded in nature and confirmed in national convenience and necessity. By the general treaty, (June 9, 1815,) all those "powers, whose States are separated or crossed by the same navigable river," stipulated that their navigation, "along their whole course, from the point where each of them becomes navigable to its mouth, shall be entirely free, and shall not, *in respect to commerce*, be prohibited

to any one." (See arts. 108 and 109, Herzlet's Commercial Treaties, vol. 1.) Article 96 of the same treaty provided specially that its principles concerning the navigation of rivers should be applicable to the Po. To this treaty were appended certain articles intended to operate as a uniform system of police for *regulating* their navigation; also, a set of articles providing specially for the free navigation of the Rhine, and another set providing for that of the Neckar, Mayne, Moselle, Meuse, and Scheldt from the point where each of them becomes navigable to their mouths."

We have thus the voice of nearly all Europe sanctioning the principle contended for; for nearly all Europe was party to this treaty. In respect to the navigation of rivers, the treaty acts in part upon rights already supposed to exist. It asserts and *regulates*, without *creating* them. As the statute often merely affirms the common law, so this treaty affirms the international and natural law; and the action of the Vienna congress upon this subject had its origin not so much in a denial of the right of nations to freely navigate rivers which separate or cross their territories, as in the necessity of agreeing upon some uniform regulations for using it, and freeing it from those embarrassments which might otherwise flow from the various and conflicting regulations of different States. Whatever may have been the ancient doctrine respecting national sovereignty over the mouths of navigable rivers emptying into the ocean, the British claim to an absolute control over the mouth of the St. Lawrence should now be considered as inconsistent with a liberal and enlightened application of the natural law, and with the principles recognised by the general treaty of Vienna, to which England was a prominent party.

If the American Union had never been formed, or if each of its States were now to become suddenly invested with full national sovereignty, a case would exist very analogous to that, which made the navigable rivers of Europe an important and even necessary subject for adjustment by the congress of Vienna. In either of such events, what State would presume to assert against another absolute control over the waters of a navigable river which should separate or traverse the territories of both? Who shall close the mouth of the Connecticut? Who shut up the Delaware, and drive the ships of Philadelphia from its waters? What single State shall barricade the Mississippi against the commerce of St. Louis, Cincinnati, and all the great States and Territories situate upon its banks, or those of its vast tributaries, which stretch from the Alleghanies to the Rocky mountains?

To these questions there can be but one answer—"None." The eternal principles of justice—the laws of nature—answer, "None." But, in either of the supposed cases, our navigable rivers would become the theatres of various contending interests, and necessarily subject to a variety of local jurisdictions. To avoid all differences and conflicts which might naturally flow from such variety of interest and jurisdiction, a congress of States, like that of Vienna, might well assemble for the purpose of affirming, by treaty, for and against each other, the right of freely navigating those rivers by which they might be separated or crossed, and of regulating its exercise by principles of fairness and uniformity. The case has been supposed for illustration; and is it not

evident that such a treaty would not *create* the right of navigation, but simply *affirm* and *recognise* it as one pre-existing? Such a treaty would declare an existing right, and provide for its equal and peaceful enjoyment.

We have thus far considered the free navigation of the St. Lawrence as the subject of a claim on the part of our government under the law of nature and of nations. We have done this that the question may be viewed in its whole extent, and that, should the views and arguments submitted in favor of the American claim as one of right not be regarded as *conclusive*, they may at least appear as reasons why the British government should now generously concede to us a privilege, in support of which so much can be urged, and to which time has added value and importance. If it cannot be secured as a right, then it is to be considered as a privilege, to be acquired either by treaty or by some reciprocal legislation, based upon the idea of rendering a just equivalent.

If England will not acknowledge the right, as conferred upon us by the hand of nature, she should acknowledge it by treaty. She should, according to her view, *create* it, and confer it upon us with her own hand. She should do it, too, with the generosity of nature, without money and without price. She should do it with a magnanimity which so well becomes her position. To her it can work no injury, whilst to us it is a measure of great advantage. Why should she not grant to us, in respect to the mouth of the St. Lawrence, what she asserted against Spain in 1783, in respect to that of the Mississippi? Why not yield to us what, in 1814, she demanded from France in relation to the Rhine? Why not follow now her own enlightened example at Vienna, when she demanded of Europe the free navigation of the Po, the Scheldt, and other rivers, which did not wash a foot of British soil?

But if England will neither acknowledge the right as already existing, nor confer it upon us as a gratuity, then it can only be acquired by purchase, on the rendition of some just equivalent. We have already, under another view of the subject, presented those considerations which now conspire to render the free navigation of the St. Lawrence a question of present and practical importance. If the *right* be denied, they yet weigh in favor of acquiring the *privilege*, and it is unnecessary to repeat them. If it is to be purchased by treaty, then it presses itself upon the attention of the treaty-making power, as a question which, if not soon settled by negotiation, must ere long be settled by the irresistible course of human events. But if it is to be purchased by means of reciprocal legislation, then it urges itself upon the attention of Congress, and calls for the adoption of legislative measures, with a view to its acquisition. Whatever difference of opinion may exist as to the mode by which it should be acquired, it seems very certain that the question in regard to the St. Lawrence, which so earnestly engaged the attention of the administrations of Monroe and the younger Adams, and which Mr. Adams and Mr. Clay, as they successively stood at the head of the State Department, pressed upon the attention of the British government with so much ability and patriotism, is now revived with increased magnitude. Nor is the fact to be disguised, that the sudden growth of the lake valley, its increased and increasing commerce, its convenience, its wants, its dearest interests, the petitions of its people, and circum-

stances connected with the geographical relations of the two countries, and their future peace and harmony, are all conspiring to present the question as one whose early settlement is suggested by the soundest dictates of justice, prudence, and wisdom.

ALEX. W. BUEL.
JOHN A. McCLERNAND.*
E. G. SPAULDING.

[*Mr. McClernand signs the foregoing report, meaning thereby to affirm the following principles, which are understood by him to be substantially affirmed by the report, viz:

1st. That by natural law, the right of navigating a stream or river is the equal and common right of all the inhabitants upon its borders. 2d. That by the law of society, upon the establishment of a local jurisdiction over a part of the river, the pre-existing natural right of navigating that part becomes subject to modification by the local sovereign. 3d. That the right thus remaining still holds good for the purpose of innocent exercise or use, and is denominated an imperfect right; but is, nevertheless, an essential and real right. 4th. That the obstruction or refusal of this right, when not called for by the peace or safety of the local sovereign, and to the injury of the inhabitants above, is a wrong, which may authorize a demand for redress.]